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ARCHER BUTLER HULBERT

VOLUME I

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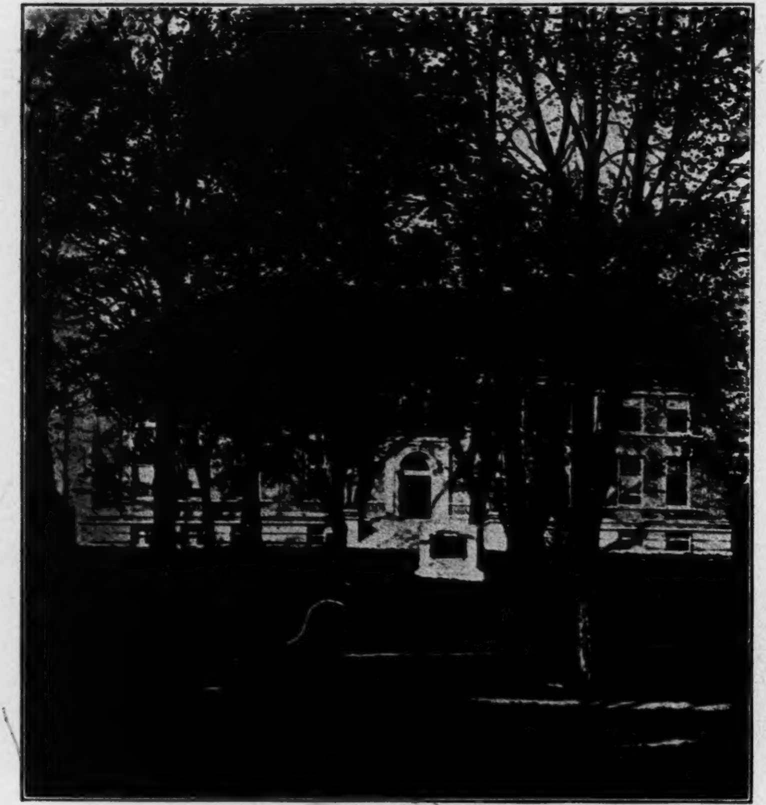
OHIO COMPANY SERIES

VOLUME I

THE RECORDS OF THE ORIGINAL PROCEEDINGS OF THE OHIO COMPANY



THE LIBRARY, MARIETTA COLLEGE

Containing the Ohio Company, Hildreth and Putnam collections of manuscripts, the R. M. Stimson collection of Americana, and Charles G. Slack collection of Documents and Prints. The stone in the foreground contains a bronze tablet of Ohio, presented by the modern Ohio Company of Associates of New York.

Marietta College Historical Collections, Volume 1

THE RECORDS OF THE ORIGINAL PROCEEDINGS
OF THE
OHIO COMPANY

OHIO COMPANY SERIES
VOLUME I

EDITED WITH INTRODUCTION AND NOTES BY
ARCHER BUTLER HULBERT
Professor of American History, Marietta College; Chairman Marietta Historical Commission; Hon. Mem., Historical and Philosophical Society of Ohio; Harvard Commission on Western History

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PREFACE TO SERIES

From no point can a series of historical collections be issued more appropriately than from Marietta, Ohio, the first settlement made under the Constitution in Ohio and the Northwest Territory.

Fortunately for students of history, Marietta College, throughout her eighty-three years of existence, has been a storehouse wherein has been deposited much of the manuscript material of the history of Ohio and the Ohio Basin. This has been reflected in the literature of the country. Within these shades Dr. Samuel Prescott Hildreth wrote his *Pioneer History* and other works and bequeathed to the college his many volumes of manuscripts and correspondence. Here for more than a generation labored Israel Ward Andrews, president of Marietta College, whose writings on Ohio and on the American constitution made his a household name from east to west. Here, for over a generation, labored Rodney Metcalf Stimson, librarian of Marietta College, whose collection of Americana, lately presented to the College, contains over twenty-five thousand books and pamphlets relating to the Mississippi Basin. For more than twenty-five years Charles Goddard Slack, a graduate of Marietta

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College, has been perfecting his Collection of Documents and Prints which was recently presented to the College; in this collection are manuscripts representing over a thousand historic American characters.

These names suggest only a part of the activities, literary and historical, that have centered at Marietta. The writings and addresses of Professor Martin R. Andrews, George M. Woodbridge, and Charles S. Dana, all deceased, reflected credit on their alma mater; while the contributions of Charles A. Hanna, a trustee, Miss Willia D. Cotton, Miss Muriel Campbell Dyer, Miss Rowena Buell, editor of *The Memoirs of Rufus Putnam*, and the extensive *Manasseh Cutler Collection* of manuscripts made by Charles G. Dawes, Esq., Marietta '84, of Chicago, have all been of great value to students of Ohio in particular and the west in general.

However, in Ohio as elsewhere, our history, so to speak, has been written backwards. After the output of innumerable books the publication of the original material—which should have been studied carefully by every writer—is undertaken. The fact that the original records of the first settlement of the state of Ohio—the original minutes and proceedings of the Ohio Company of Associates—belong to Marietta College explains the creation of the Marietta Historical Commission by the trustees of the College and the publication of this, the first, volume of a series to be known as the *Marietta College Historical Collections.* In these volumes will be published many of the most important original papers of Ohio, the first two volumes being devoted to the records of the Ohio Company. The first four or more volumes will be known as the "Ohio Company Series" of these *Collections* and will deal particularly with the settlement of Southeastern Ohio. Special attention will be paid in volume three to the squatter settlements on the "Seven Ranges" and the publication of such documents concerning Ohio as exist in the *Papers of the Continental Congress.* Other volumes will contain important diaries, letters, etc., relative to the settlement of Southeastern Ohio taken from the manuscript collections at Marietta College and many other American libraries.

The editor is greatly indebted to a score of persons for assistance in every department of the work; to Miss Julia E. Hickok and Miss Rowena Buell he is particularly indebted for advice and criticism. In treating of countless individuals confuson arises due to the incomplete description given by the various writers. Nevertheless it is believed that the various indexes of these *Collections* will virtually prove a *Who's Who* of early Ohio of very great value.

The editor is indebted to Attorney W. E. Peters for the excellent map of the Ohio Company Purchase which is reproduced in this volume. By its aid the reader may accurately identify the numerous references in the text to the different streams and sections of land.

To the charter and sustaining members of the Commission, who have made possible this undertaking, to Librarian Blazier, whose constant assistance has been tireless, and to the advice and encouragement of President Hinman, the editor is also indebted.

ARCHER BUTLER HULBERT

Marietta, Ohio,
January 26, 1917.

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THE OHIO COMPANY AND "SCIOTO RIGHT"

I

In order to understand the origin of the Ohio Company of Associates it is necessary to go back to the beginning of the War of the Revolution, note the bounty-land offers made by the Continental Congress, and follow the line of interest created by those promises to prospective soldiers through the years of the war.

The first provision for granting lands to soldiers who should serve to the close of the war was passed in September, 1776; though this act does not specify that it was western or trans-Allegheny land that was to be given these officers and soldiers, it seems to have been the general opinion at the time that such was to be the case.[1] From the very beginning of hostilities the "Old Northwest" seems to have been looked upon as the tangible prize of the war. While the region was covered by the overlapping claims of several eastern States, many men, thus early, seemed to have glimpsed the day when, by a rather remarkable series of compromises, these claims would be quieted and the national government would come into possession of a fruitful empire which might be used in one way and another to satisfy all claims upon it.[3]

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[1] A few pages of Vol. iii of this Series will be devoted to the early documentary history of the Old Northwest; the student will find there reprinted sufficient extracts of correspondence, pamphlets, and acts of Congress to trace, in the language of "The Fathers," the steps in the development of our territorial history.

The first step toward giving Congress the power to fulfil its bounty-land promises was to acquire from the several States a clear title to western land claimed by them. This notable event was made possible by the dogged persistence of the State of Maryland which made this concession on the part of her rivals the price of her ratifying the Articles of Confederation.

> The long debates over this subject [writes Professor McLaughlin] in Congress and the state legislatures were important, because much more was involved than the mere question of ownership; the whole great problem of territorial expansion, of the management and organization of new communities beyond the limits of the old commonwealths, was finding solution. Fearing the strength and influence of the states which claimed the vast territory beyond the mountains, Maryland at an early day proposed that Congress should have the right to 'fix the western boundary of such states as claim to the Mississippi or south sea; and lay out the land beyond the boundary so ascertained into separate and independent states from time to time as the numbers and circumstances of the people thereof may require.' This was a proposition of

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[3] *American Archives*, 5 ser., iii, 1020; G. Bancroft, *History of the formation of the Constitution of the United States*, i, 284.

immense importance, for Maryland refused to agree to the Articles of Confederation so long as other states asserted their claims to the wide region beyond the mountains.[3]

But it is to be noted that Maryland did more than advance the theory of public lands as national domain; she in the same breath laid down the theory, enormous in its possibilities, that portions of such domain should automatically become independent States. To the soldiers who constantly kept in mind the promises of Congress this developing train of thought was of greatest interest and it unquestionably accelerated their efforts to secure a redemption of the promise made to them.

Slowly the States concerned agreed to the Maryland demand. In 1782 New York defined a limit at the western extremity of Lake Ontario beyond which she relinquished any claim and Congress accepted her cession.[4] Virginia ceded (with a notable reservation) all territory North and West of the Ohio River.[5] Massachusetts made terms with New York that were satisfactory to both and to Congress. But Connecticut could not find satisfaction from Pennsylvania and only felt justified in relinquishing her claims by retaining the three million and a quarter acres in Northern Ohio known in history as the Western Reserve; the compromise was accepted by Congress in 1786.

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[3] A. C. McLaughlin, *The Confederation and the Constitution*, (*The American Nation*), x, 109-110; *Journals of Congress*, October 15, 1777; H. B. Adams, "Maryland's Influence upon Land Cessions," *Johns Hopkins University Studies*, iii, no. 1, 22. Professor Treat acutely differentiates Maryland's influence as negative and New York's as positive; "both States" he observes "deserve great credit."—*The National Land System*, 6.

[4] *Journals of Congress*, Oct. 39, 1782.

[5] Henning, *Statutes*, xi, 326-328.

The reservation by Virginia must be noted particularly. It was contingent upon the possible failure to find sufficient lands of proper character between the Green and Cumberland Rivers with which to satisfy the bounty-land promises made by her, as a commonwealth, to her Revolutionary soldiers. Such were not found; but this fact was not ascertained, and Virginia did not demand what has been known as the Virginia Military District in Ohio, until 1790. Thus what is, perhaps, the richest portion of Ohio, the 4,209,800 acres of land lying between the Scioto and Little Miami Rivers, was, during the years when the Ohio Company of Associates came into existence, under Virginia option, pending the proper exploration of the Green River region.[6] Thus with the exception of the Connecticut Reserve and Virginia's option on the Scioto-Miami tract, approximately four million acres each, and a small tract on the Muskingum donated to the Christian Indians under the care of the United

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[6] This point, that Virginia's option on the lands between the Scioto and Little Miami acted, during the years 1783-90, just the same as real occupation, is brought out clearly only by D. M. Massie, *Nathaniel Massie*, 25.

Brethren or Moravians, Congress, by 1786, had acquired from the States all the land northwest of the Ohio River.

II

The bounds of this territory, the reservations within it, and the accessibility of its unreserved portions, have never been properly studied with reference to the next phase of its occupation. In this connection several things should be kept in mind: (1) There had been no suggestion or expectation that Virginia would cede any of her claims South of the Ohio. (2) It had never been seriously asserted that the United States, in the event of victory in the struggle then waging, would claim territory westward of the boundary line in the West which England had acquired from France in 1763 — the Mississippi River. (3) The western boundary of Pennsylvania was a settled thing. (4) With the failure to capture Canada it was a foregone conclusion that the Great Lakes would hold the international boundary line on the Northern border. Thus it is seen that the bounds of what was to be known as the Territory North West of the River Ohio were, North, East, South and West, determined long in advance of its formal erection.

Again, from the above it is clear that some time before the erection of the Territory definite and solemn pledges had been made to reserve three areas for Connecticut, Virginia, and the Moravian Indians. These reservations were in the eastern portion of the district, what is now the State of Ohio. They comprehended approximately ten million acres or upward of one-half of the entire State-to-be, Ohio; but the surveyor's lines had not been run and the vague condition of actual knowledge of the region made it seem that these reservations covered a large part of the most desirable land to be had in the Eastern, or adjacent, section of the region. Thus those who came after must take what was left, good, bad, or indifferent; the only large blocks of the region left were, one in the Southeast corner of the territory, the other in the Northwest corner. Those who have complained that the Ohio Company of Associates chose a relatively poor region for exploitation have ignored these facts. These next beneficiaries of Congressional favor, whatever the nature of their enterprise might be, bounty-grant, land company, or what-not, if they desired a holding of the size of the Connecticut Reserve or Virginia Military District on the main highway, the Ohio River, would be compelled to accept land in the immediate vicinity of the river beyond the Pennsylvania line.

Still limiting the territory that could be obtained, was the line to be drawn with the Indians of the region. While the Northwest would, in the event of successful completion of the war, belong to the United States, Indian title held good beyond the Ohio until the Treaty of Fort McIntosh (1786) drew the Cuyahoga-Fort Laurens-Laramie Store line zig-zag through the eastern portion of the Territory.

Thus we see that, at the date when the States ceded to Congress the region North of the Ohio, the claims and counter-claims of Connecticut, Virginia, and the Moravians (granting that the Indians should surrender their acknowledged right of occupancy) limited the region in which Congress could fulfil its bounty-land promises to the Revolutionary soldiers *en bloc* to the South-eastern quarter of what is now Ohio.

But it was early seen that difficulties of real proportions lay in this quarter. Throughout the decade preceding the Revolutionary War the nomad white population of Western Pennsylvania and Virginia had crept out along the Ohio. It is impossible to outline this movement by exact dates; when Washington came down the Ohio in 1770 it was found that the hunters and trappers of the pioneer van-guard had well-understood names for practically every stream that entered the Ohio between Pittsburgh and the Great Kanawha River. Possibly no formal settlement existed other than that of the Zanes made at Wheeling in 1769. But the whole valley for scores of miles was well-known to hundreds. The years 1770-1775 saw a considerable advance down the Ohio on the Virginia side. Fort Henry was erected at Wheeling in 1774. It is probable that at this time the best of the bottom-land on the Ohio, or "Indian," side of the river from Pittsburgh to Wheeling was being cultivated by those either actually living on the land or "farming it" from the Virginia side of the river.

With the outbreak of the Revolution the neutrality of the Delawares on the Muskingum was secured and it is probable that the building of Fort McIntosh at the mouth of the Beaver River in 1778 and Fort Laurens on the Muskingum in 1779 resulted in many illegal settlements being made on the "Indian side" in those and the following years.[7]

So general was this movement on land not yet secured from the Indians that, as early as October, 1779, Colonel Brodhead, commanding at Fort Pitt was forced to take action. Captain Clark with sixty soldiers were sent to Wheeling with orders to cross the Ohio at that point and uproot all "improvements." Clark's report showed that it was current report that the "Indian side" had been occupied at many points between the Muskingum and Fort McIntosh, some of the western tributaries of the Ohio being improved to a distance of thirty miles into the interior.[8] All improvements were destroyed and messages of conciliation were sent to the Delaware chieftains.

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[7] C. A. Hanna, *Historical Collections of Harrison County in the State of Ohio*, 46. W. H. Hunter, "The Pathfinders of Jefferson County," (Ohio), *Ohio State Arch. and Hist. Soc. Pub.*, vi, 119-120, gives 1765 as the earliest date of occupation of the Steubenville region. Vol. iii of these *Collections* will contain a number of letters, petitions, etc., of these illegal settlers of Ohio, taken from the *Papers of the Continental Congress*. As interpreting the movement to the Ohio, of which the Ohio Company was most significant, they are very illuminating.

Some pioneers of a law-abiding temperament petitioned Congress as early as 1780 to be allowed to cross the Ohio and settle.[9] Hundreds of a bolder type crossed in defiance of law and fear of Indian retaliation. By 1785, Ensign Armstrong, sent out with troops from Fort Pitt by Colonel Harmar, reported that squatters were crossing by fifties and hundreds, and that there were upwards of three hundred on the Muskingum, as many more on the Hockhocking, and five times that number on the Scioto and Miami rivers.[10] So enterprising and defiant was the spirit of this first population of Ohio that measures to call a convention to form a State of Ohio were on foot in 1785.[11] For the purpose of better controlling this first western "rush" Fort Harmar was erected at the mouth of the Muskingum in order that troops might be kept nearer the scene of activity.[12] The immediate arrival of

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[8] Pennsylvania *Archives*, (first series), xii, 176-177.

[9] *Papers of the Continental Congress*, xlviii, 245, 247.

[10] *Harmer to President of Congress*, May 1, 1785, W. H. Smith, *St. Clair Papers*, ii, 3-5, *note*.

[11] *Id.* ii, 5, *note*.

[12] *Id.* ii, 7, *note* 1.

Isaac Williams to open up his plantation of four hundred acres on the Virginia side of the Ohio opposite Fort Harmar proves the impetuosity of this migratory movement down the Ohio. Sixteen families, as laborers or tenants, were soon located here on Williams's patent, 180 miles below Pittsburgh.

It is therefore clear that while Congress had theoretically come into possession of a great territory by which it could fulfil its bounty-land promises, a large grant could be made only in the region bordering the Ohio River adjacent to Pennsylvania and that that region was filling up in an alarming manner. All this was undoubtedly a constant topic of conversation on the part of the men of the Continental army under Washington at Newburgh on the Hudson; these men counted strongly on the validity of their bounty-claims and believed that the government which they had saved would keep inviolable its promises.

III

The proof of this lies in the famous organization effected at Newburgh by the officers of the army and their appeal to Congress. The details of this organization are unknown except so far as they are defined by the petition to Congress and the statements of their representative to

General Washington and others. Brigadier-General Rufus Putnam of Rutland, Mass., was chosen chairman of the organization.

The reasons for the prominence of General Putnam in this connection are not given by his biographers nor in his own autobiography.[13] We have the records of his serving as deputy surveyor with General Lyman's West Florida land scheme of 1773. It is doubtless true that among the officers at Newburgh who were outspoken in their intention to migrate at the close of the war General Putnam was one of the most prominent.

Again, General Putnam was by profession a surveyor and had much experience in laying out lands; to him, therefore, the phraseology and technique of the matters to be decided were commonplaces. His long career as a soldier in both the Old French and Revolutionary wars gave him a large circle of friends, at least in New England, who knew well the quiet, sterling personality of the man whom Ohioans are proud to call the "Father of Ohio." Nothing so much as the publication of these Ohio Company records can portray the rare spirit of the man; in the tedious details of his office General Putnam wrought a great work; these details are here given to the world and here may first be caught the real likeness of one of Massachusetts' noblest sons.

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[13] R. Buell, *The Memoirs of Rufus Putnam.*

The Newburgh petition now framed by General Putnam read as follows:

TO HIS EXCELLENCY, THE PRESIDENT AND HONORABLE DELEGATES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED

The Petition of the Subscribers, Officers in the Continental Line of the Army, humbly showeth:

That, by a Resolution of the Honorable Congress, passed September 20, 1776, and other subsequent resolves, the officers (and soldiers engaged for the War) of the American Army who shall continue in service till the establishment of *Peace*, or, in case of their dying in service, their heirs are entitled to receive certain Grants of Lands, according to their several grades, to be procured for them at the expense of the United States.

That your petitioners are informed that that tract of country, bounded north on Lake *Erie*, East on *Pennsylvania*, southeast and south on the river *Ohio*, west on a line beginning at that part of the *Ohio* which lies twenty-four miles west of the river *Scioto*, thence running north on a meridian line till it intersects with the river *Miami*, which falls into Lake *Erie*, thence down the middle of that river to the lake, is a tract of country not claimed as the property of or in the jurisdiction of any particular state in the Union.

That this country is of sufficient extent, the land of such quality, and situation such as may induce Congress to assign and mark it out as a

Tract or Territory suitable to form a distinct Government (or Colony of the United States) in time to be admitted *one* of the confederated States of America.

Wherefore your petitioners pray that, whenever the Honorable Congress shall be pleased to procure the aforesaid Lands of the natives, they will make provision for the location and survey of the lands to which we are entitled within the aforesaid District, and also for all Officers and Soldiers who wish to take up their lands in that quarter.

That provision also be made for a further grant of lands, to such of the Army as wish to become adventurers[14] in the new Government, in such quantities and on such conditions of settlement and purchase, for public securities, as Congress shall judge most for the interest of the intended government, and rendering it of lasting consequence to the *American Empire.*

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[14] Students of Ohio history, particularly of the original settlement, should note the significance of the word "adventurer" which will be constantly found in the original records of the Ohio Company. The word was perhaps first used in the Fifteenth Century when Henry IV chartered the "Merchant Adventurers;" in 1670 when Charles II granted to his cousin, Prince Rupert, a white empire in America the company formed to exploit it was called "Adventurers of England Trading into Hudson Bay," the present Hudson Bay Company. In colonial Maryland the Governor ordered that certain manors should bear the names given them by the "adventurers" to whom they belonged. The word should convey an emigrant-gamester significance, though it was used of both actual emigrants and absentee speculators. It was used with all the old, time-honored significance when the Ohio pioneers on the Youghiogheny named their principal craft "The Adventure Galley;" as an after-thought the boat was later rechristened the "Mayflower." The old name was richer, more significant and typical, and should always be preferred.

And your petitioners, as in duty bound, shall ever pray.

(Signed) By two hundred and eighty-eight officers in the continental line of the army.

June 16, 1783.[15]

This petition was forwarded by General Putnam to Washington with the request that he lay it before Congress himself, with his own commendation of the plan. Accompanying the Petition was a letter to Washington by Putnam, explaining in more detail the considerations of the officers who planned it. This is the document of a statesman.[16] In discussing the new commonwealth of the West the writer points out clearly the dangers that must be faced and met—dangers from the Indians of the interior, from the British on the Lake frontier, and from the Spaniards on the Mississippi. Putnam proposes a line of fortifications from the Ohio River by way of the Scioto to the Lakes; he foresees the War of 1812 and remarks that, in case of a war with Great Britain, "unless a communication is open between the River Ohio, Lake Erie, Niagara, Detroit, all posts seated on the great Lakes will inevitably be lost." He adds that this will put it out of the power of the United States to befriend the Indians of the region who will "like all other people form their attachment where they have their commerce, and then in case of a war, will always be certain to aid our enemies." He points out that the easy line of communication between the East and Great Lakes (by methods of transportation then in vogue) is by way of the Ohio River and its Ohio tributaries; this idea formed the basis of Washington's scheme of territorial unification elaborated in his *Diary of 1784* and is summed up in his classic *Letter to Harrison* of the same year.[17] Putnam likewise, with large vision, shows what the fortification of the region will mean "whenever a war shall interrupt the trade with New Orleans." Of equal interest and importance is his prophetic assumption that the "Northern" or "township" system of dealing with western lands shall be the one adopted, with reservations in each township for the support of the ministry, for education, and for highways. It is to be noted that the Petition calls for the provision of a district wherein any soldier of the army may purchase land "for public securities." Putnam elaborates this in his letter; in view of the final development (the Ohio Company of Associates) his words are of highest importance:

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[15] W. P. and J. P. Cutler, *Manasseh Cutler*, i, 159-167.

[16] See vol. iii.

> For these and many other obvious reasons, the petitioners hope no grants will be made but by townships of six miles square, or six by twelve, or six by eighteen miles, to be subdivided by the proprietors to six miles square, that being the standard on which they wish all

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[17] A. B. Hulbert, *Washington and the West*, 92-98.

> calculations may be made, and that officers and soldiers, *as well as those who petition for charters on purchase* [italicized by the editor] *may form their associations on one uniform principle,* as to number of persons or rights to be contained in a township.[18] . .

It has never been pointed out that the kernel of the idea of the Ohio Company of Associates is to be found in these words. They suggest that officers and soldiers or others who naturally fell into groups with common interests, due to past acquaintance and relationships, would form "associations" and "petition for charters on purchase."

And finally this remarkable letter strikes at the root of the one vital question concerning American expansion, the question of homogeneity and unity. Putnam states that if such a district as he describes is laid out by Congress:

> . . . there is not the least doubt but other valuable citizens will follow their example, and the probability is that the country between Lake Erie and Ohio will be filled with inhabitants, and the faithful subjects of these United States so established on the waters of the Ohio and the lakes [the italics are the editor's] *as to banish forever the idea of our western territory falling under the dominion of any European power.*[19]

Washington forwarded the Officers' Petition and General Putnam's letter to the President of

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[18] Cutler, *Cutler,* i, 171.

[19] *Id,* 172.

Congress on the day following its receipt; with it he sent a letter of recommendation of his own.[20] He touches the heart of the difficulty that must confront Congress in making its decision on the matter by saying: "I pretend not myself to determine how far the district of unsettled country, which is described in the petition, is free from the claim of every state." The reader has noticed that the northern portion of the district outlined by Putnam embraced what became known as Connecticut's Western Reserve; but the determination of this fact was not made for three years, or in 1786. This alone stood in the way of granting the Officers' Petition as it read. But other and more far-reaching questions lay in the way of immediate response to the petition.

IV

Any decision on the question was bound to serve as a precedent. This momentous fact stared all the members of the Congress in the face. No matter how deserving were the petitioners; no matter how willing the Government might be to fulfil its bounty-land promises; no matter how practical and beneficial might be the method of settlement proposed — the whole problem of western expansion, involving a score of correlated questions of utmost importance, was thrust upon Congress by these Newburgh petitioners. Congress had early accepted the idea and later had pledged that the western territory should be taken piece-meal into the Union of States as the divisions acquired a proper population.[21] This had been an astonishing promise. Never in the world's history had a victorious Nation made such a promise to a conquered territory; and the fact that nothing was yet known as to the future racial complexion of the region must have added greatly to the uncertainty of the situation.

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[20] See vol. iii.

American territory had been occupied by two diametrically opposite land systems, the Northern and the Southern. Which should prevail in the vast West? The system selected for this region between the Ohio and the Lakes would undoubtedly prevail over any districts ever admitted to the Union to the Southward or Westward.

What about the red man? Whatever was determined now might be the established precedent that would hold in every acre of ground between the Alleghenies and the Pacific. Should the original occupants be held on reservations in the heart of a populated region? Could they be removed? Or assimilated? No one knew their number or what power, in alliance with foreigners, they might develop in the Far West.

How should the divisions of this empire be admitted to the Union? Should it be cut up arbitrarily and admitted in a temporary phase on probation? Its great size seemed to suggest gigantic States or else a great multitude of small States. In either case their representation in Congress (on all known ratios) would doubtless give them the balance of power. Could such a thing be countenanced by the Original Thirteen? More ominous still, could the trans-Allegheny divisions of the Union, united by their natural streams of commerce, the Mississippi and its tributaries, to the New Orleans *entrepot*, be kept loyal to the Union?

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[21] Advocated first by Thomas Paine in 1780; proposed in Congress that same year. See vol. iii.

Such are some of the many phases of the tangled problem laid before Congress by this Petition of the officers of the Continental Line. Enough has been said to show why even the most bold, the most patriotic, the most generous, and the most willing were compelled to pause long and consider. These facts cannot be doubted: the steady importunity of the Revolutionary officers represented by General Rufus Putnam, and the typically Western arrogance of the squatters in seizing upon Ohio soil on the "Indian side" of that river, impelled Congress to action.

The army disbanded, but many signers of the Newburgh Petition, through Putnam, kept steadily pressing for an answer. Early in the next year, 1784, Putnam wrote Washington:

> The settlement of the Ohio country, sir, engrosses many of my thoughts, and much of my

> time since I left the camp has been employed in informing myself and others with respect to the nature, situation and circumstances of that country, and practicability of removing ourselves there. . . From these circumstances and many others which might be mentioned, we are growing impatient; and the general inquiry is, When are we going to the Ohio? Among others, Brig.-Gen. Tupper, Lt.-Col. Oliver, and Maj. Ashley have agreed to accompany me to that country the moment the way is opened for such an undertaking.[22]

Washington, replying to Putnam early in June, stated that he had learned that Congress had accepted Virginia's cession and had "resolved to lay off ten new states, bounded by latitudes and longitudes;" but that, in view of immediate adjournment, the Petition of the officers would probably not be acted upon. He suggests that, since the new Congress would have many new members, the petitioners had best acquaint these with the proposition before the assembling of the new Congress.

V

It is not necessary here to discuss at any length the Ordinance of 1784, to which Washington makes reference. It is of greatest significance for proving what "was in the air." It advanced the two great essential ideas of the American colonial system: temporary government with a large measure of self-government for the colony, and ultimate admission of such colony into the American Union, on equal terms with the Original Thirteen. Though the committee which developed the ordinance was composed largely of Southern men the Northern, or township, system of surveys before sales was adopted as the public land system that should prevail. It is to be noted that members of the Committee, especially Jefferson, desired that slavery should be excluded from the new region, but due to the illness of a member the motion failed by one vote.

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[22] Cutler, *Cutler*, i, 174-175.

The new Congress, whose members Putnam was advised to address, made a genuine contribution to the western problem by passing the Land Law of 1785, which embodied three fundamental principles of our western development. It provided for a rectangular land survey by the government in advance of settlement, the establishment of offices for the sale of public lands at low prices and in small tracts (640 acres), and granted one thirty-sixth of the public domain in well-distributed tracts to the new States for the support of public education.[23] Putnam, in his letter to Washington in 1783, we have seen, suggested such reservation for both schools and religion. The resolution granting lands for religion in the Land Law of 1785 was voted down. The question of excluding slavery was not brought forward in this case. The office of Geographer of the United States was created and filled by the election of Thomas Hutchins of New Jersey, an engineer of long experience. Under him a corps of surveyors, one for each State, were

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[23] The Ordinance of 1787, as is often stated, did not make specific provision for public support of education. That was done by the Land Law of 1785 and another ordinance passed later.

> to proceed to divide the said territory into townships of six miles square . . . and shall transmit plats thereof to the board of treasury. . . The secretary of war . . . shall take by lot therefrom, a number of townships . . . for the use of the late continental army. . . The board of treasury shall . . . cause the remaining [townships] . . . to be drawn for [by lot], in the name of the thirteen states . . . according to the quotas in the last preceding requisition. . . The . . . commissioners of the loan-offices of the several states . . . shall proceed to sell [their lands] at public vendue.

The first lines running north and south and east and west were to begin on the Ohio River at its junction with the western Pennsylvania line. The tier of townships running from south to north were called ranges; and the ranges were enumerated from east to west. As soon as seven ranges were surveyed the drawing by lot above mentioned was to take place. This meant that another tract, forty-two miles in width, from the Pennsylvania line was in a legal state of reservation. As the actual basis of our national land system, and operating down to this very day, the

Land Law of 1785 has not received its proper recognition. Professor Treat well says: "It proved to be one of the wisest and most influential, if not the wisest and most influential, of all the acts of the Revolutionary period."[24] As will be seen, the Ohio Company purchase was based on the Land Law of 1785; no other law is cited in its contract with the government.

During these years the Petition of the Continental Line was lying in abeyance while matters of prime importance were being settled. But the leaders in the movement kept each other informed as to the trend of events and General Putnam was appointed to represent Massachusetts on Hutchins's corps of surveyors of the Seven Ranges. General Putnam accepted the appointment in a letter written to Geographer Hutchins at Boston, June 11, 1785. The frankness of the man appears clearly in the last paragraph of his letter which states: "I must in Justice to myself inform them [Congress], that a wish to promote emigration from among my friends into that country, and not the wages Stipulated, is my principal motive."[24a] Being called to a similar service for his native State, Putnam withdrew from the western service and his co-partner in the Newburgh plan, Brig.-Gen. Benjamin Tupper, whom Senator Hoar has well called Putnam's twin brother, represented

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[24] P. J. Treat, *The National Land System*, 40.

[24a] *Papers of the Continental Congress*, lvi, 161.

Massachusetts under Hutchins. Putnam immediately engaged in the survey of Maine lands for Massachusetts. This was probably a deliberate plan on the part of these friends in order to get into actual touch with the two regions, Maine and the Ohio Valley. The petitioning Continental Line always had the alternative of making a purchase from one of the individual States rather than from the National Government, as suggested by Putnam in 1783. As a large majority of them were Massachusetts men they naturally would turn to their own State. Few of the papers of General Tupper's exist giving accurate knowledge of the amount and character of the information he received. The surveyors were out in the field only a few days. They rendezvoused at Pittsburgh September 5th, but did not go afield until the 22d of that month; they were compelled to return the 23d of October. Beyond the fact that General Tupper was at Pittsburgh and had ample time to get reports from Hutchins and others well acquainted with the Ohio Valley, we have little information.

We have seen that early in 1784 General Putnam had stated that General Tupper and he were determined to go to the Ohio. Evidently nothing that General Tupper learned on this western trip tended to weaken this resolution, despite the Indian alarms. The building of Fort Harmar, on the Ohio at the mouth of the Muskingum, and the opening of Isaac Williams's plantation on the present site of Williamstown, West Virginia, nearby, were events that tended to give courage. The fort was beyond the Seven Ranges; the land within that area could only be sold by townships. If a large tract was to be secured by the Newburgh petitioners, such a tract might well have its headquarters near the new fort and the strong colony of seventeen families established by Isaac Williams, and extend indefinitely toward the Scioto, where the Virginia option began.

VI

With all these facts in mind General Tupper returned to Massachusetts probably late in the fall of 1785. In January, 1786, we find him at the Rutland home of General Putnam, who, meantime, had returned from Maine.

We may never know the details of discussion and investigation that led to this important meeting at General Putnam's home early in 1786. We have seen that, early in 1784, Putnam had written Washington that three men—and he names General Tupper first—had agreed to accompany him to the Ohio "the moment the way is opened." The kernel of the idea of forming an association of neighbors and comrades-in-arms and making a purchase of lands on the Ohio is glimpsed, as has been remarked, as early as Putnam's letter to Washington forwarded with the Newburgh Petition. As early as April 5, 1784, Putnam in a letter to Washington refers to the fact that the offering of lands at a cheap price by Massachusetts will tend to lessen "*the number* of Ohio associates."

It is plain that General Tupper's report was all that was needed to settle the question of where the "associates" should settle. It is common report that the two men spent the winter's night of January 9-10 before the generous fire-place in the kitchen of General Putnam's home outlining a plan that must have been evolved in its main particulars in the months preceding. Were the records extant it would probably prove that the real springs of action which resulted in the formation of the Ohio Company would be found to be in the military and Masonic associations which bound these Revolutionary officers together; these ties extending beyond State boundaries included officers from nearly all adjacent commonwealths. Of these the Society of the Cincinnati was of great importance. This order was organized at Newburgh May 13, 1783, "to perpetuate . . . as well the remembrance of this vast event [independence] as the mutual friend-ships which have been formed under the present common danger, and in many instances cemented by the blood of the parties."[25] A comparison of names shows that ninety per cent of the two hundred and eighty-eight officers who signed the Newburgh Petition were members of the Cincinnati from Massachusetts and Connecticut.[28] The leaders in both movements were identical. Of the men who finally were most active in the affairs of the Ohio Company, Dr. Manasseh Cutler alone was not a member of this military order; that three years' service in the army was a requirement of membership doubtless explains this fact. While it is easy to over-estimate the fraternal influences of the Cincinnati in this episode it is unquestionably true that it tended to break down State barriers; the Ohio Company very probably would have been a purely local association of Massachusetts men but for the interlocking friendships promoted by the Cincinnati; this being true, it is probable that the Ohio Company would not have ignored making a purchase of land from Massachusetts in Maine; doubtless its cosmopolitan membership, made up of strong men from Connecticut and Rhode Island, determined the question in favor of a purchase from the United States. Friends of this famous order, which is still patriotically perpetuated, have certain justification for the claim that the Cincinnati is directly responsible for the making of the first settlements under the Constitution northwest of the

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[25] Sparks, *Writings of Washington*, ix, 23, *note*.

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[28] Mrs. L. A. Alderman, *The Identification of the Society of the Cincinnati with the First Authorized Settlement of the Northwest Territory*, 6-14.

Ohio River at Marietta and Cincinnati. The influence of this cosmopolitan military brotherhood probably kept the Ohio Company from being purely a Massachusetts organization making a purchase of Maine lands.

A further welding influence was exerted by another kind of brotherhood. In February, 1776, a number of Masonic officers in Washington's army surrounding Boston received from a representative of Masonry in England the authority to form the historic American Union Lodge of Free and Accepted Masons, now American Union No. 1 of Marietta, Ohio. The membership consisted of Masons from various New England lodges. Although the lodge was erected in Roxbury its charter proves its peculiar character by declaring that it might be erected "in Roxbury or wherever your body shall remove on the Continent of America."[27]

As a result American Union Lodge has, with Washington Lodge No. 10, a history that is unusual in the annals of Masonic fellowship. The record of its migration is the story of the marches of the Continental Army; where it went they

> . . . builded Him an altar in the evening dews and damps.

The roll of its members and visiting brothers shows the names of leading officers of the Revolution including that of Washington.[28] From

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[27] *Mss. Minutes of American Union Lodge*, no. 1, 9.

[28] Second Meeting, June 24, 1779.

Massachusetts, the lodge migrated to New York State; from there it traveled to New Jersey and Connecticut, returning at last again to New York and Massachusetts. A singular incident in its history was the capture in the savage attack on Stony Point (probably by Return J. Meigs) of property belonging to a lodge in the First Battalion, Leicestershire Regiment; this was returned to its owners soon after, an act which elicited from the "brethren" among the enemy a handsome tribute of thanks.[29]

Just what influence the American Union Lodge may properly be said to have had on the formation of the Ohio Company cannot be determined with great accuracy. It is certain the rule of friendship and fellowship was strong among these men and that every plan and hope for the future was talked over in their periodic meetings and in their daily conversation. We have noted that the tendency of the Cincinnati was to keep the newly planned organization from being a local or merely a Massachusetts affair. The American Union had the same influence—made up as it was of officers from practically all the northern States. When it came to circulating the advertisement "Information" by Putnam and Tupper there can be no possible doubt that the way had been paved for it by their conversation in their own lodges and in both American Union and Washington No. 10. In one sense, and a real one, the establishment of the Ohio Company settlement on the banks of the Ohio was the migration of American Union Lodge; as, in not a few instances, pioneer communities were founded by a migrating church. The four leaders of the movement, Putnam, Tupper, Parsons, and Sargent had been prominent figures in the American Union Lodge as well as in the Order of the Cincinnati; added to these names should be those of Major Heart, commander of Fort Harmar (who had been Master of American Union practically throughout the War) and Colonels Sproat, Stacy, Meigs, and Oliver. Of the thirty-four men named by Hildreth as prominent figures in the Ohio Company settlement, twenty-two were members of American Union Lodge; this included such a percentage of the leaders that a list of officers of American Union Lodge and a list of Agents and Directors of the Ohio Company can almost be substituted one for the other.

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[29] Lieut.-Col. E. A. H. Webb, *History of the Services of the Seventh Regiment*, 1688-1912.

It is an easy matter to exaggerate the influence of such associations as these in the formation of the Ohio Company. It would be wrong to suppose that the latter Company was formed with any thought of preserving any fraternal order; it was formed for the very material purpose of bettering the fortunes of its associates; it offered the ex-soldier of the Revolution, its friends said, the best return for his depreciated currency that existed—a return in fertile lands in the West. On the other hand, any search for the methods by which the Ohio Company was called into existence, the means by which its membership was secured, the explanation why certain parts of New England became particularly interested in the Ohio Valley and why an influential part of Ohio was for so long a period a bulwark of conservative Federalism, leads one at once to the council halls of the Cincinnati and the American Union Lodge. That these influences were most important in aiding the Company to carry through its legislative program cannot be doubted. In the end the Company consisted of 817 shareholders less than a third of whom migrated to Ohio. That such a condition was not forseen is plain from all records and correspondence of the originators. Their original purposes and plans must be judged without reference to the fact that absenteeism metamorphosed the organization in a way never thought of by them.

VII

As a result of the night's meeting at Rutland, General Putnam and General Tupper evolved a document important in the history of Ohio and Massachusetts, "A Piece called Information," as the original record has it. It is a new "call to arms" not unlike that issued by General Washington in his classic *Letter to Harrison* of less than two years before. This circular was meant for general publication in the papers of the day; it gives a pleasing description of the Ohio country and invites all officers and soldiers who served in the late war "to become adventurers" and form "an association by the name of the OHIO COMPANY." Those who were interested were asked to meet at appointed places on February 15th and elect delegates to represent them at a meeting at the Bunch of Grapes Tavern in Boston on March 1st.

On the latter date the delegates elected met in Boston. The County of Suffolk was represented by Winthrop Sargent and John Mills; the County of Essex by Manasseh Cutler; the County of Middlesex by John Brooks and Thomas Cushing; the County of Hampshire by Benj. Tupper; the County of Plymouth by Crocker Sampson; the County of Worcester by Rufus Putnam; the County of Berkshire by John Patterson and Jahlaliel Woodbridge; the County of Barnstable by Abraham Williams. It is to be noted that of the above eleven men, five were signers of the Newburgh Petition: Brooks, Tupper, Putnam, Patterson, and Williams. Sargent really belongs in this list, but evidently was absent from Newburgh when the Petition was signed. Doubtless the same was true in the case of Captain Cushing. It thus becomes plain that the Newburgh idea, perpetuated by the Massachusetts men of the Continental Line, knit together by military and fraternal bonds, is developed into a company of associates.

At the first meeting General Putnam was chosen chairman, and Winthrop Sargent, clerk. A committee consisting of Putnam, Cutler, Brooks, Sargent, and Cushing was appointed to draft a plan of an association. The original minutes of the meetings of the Directors of the Ohio Company occupy the pages of Volumes 1 and 2 of the Ohio Company Series of these *Collections.*

It is proper here, however, to review the history of this organization from an exterior standpoint. It played an important part in the history of the times; it influenced opinion in the East with reference to western migration; it figured as a factor of no small moment in legislative councils, influenced national legislation with respect to the West, made a dignified and lasting settlement in the State of Ohio where the character of its associates, the honesty of their intenions, and the faithfulness of their performances for generations, made a vital impress. But it should ever be kept in mind that the Ohio Company was, in another guise, only the perpetuation of the ideas of the Newburgh Petitioners of the Continental Line. The errors that are made in estimating the purposes and methods of its agents, and the effects of its own influence, come from ignoring the fact that it was not a typical land company formed primarily for speculation, but rather the New England element of the Continental Line attempting to secure its due by assuming the guise of a land company to which Congress could make its first sale of western land under the excuse that the national debt was being paid.

Certain of these loose conceptions must be dealt with here, especially those touching the methods by which a purchase was made, the relationship of the Ohio Company to the famous Ordinance of 1787, the connection between the Ohio Company and the so-called "Scioto Company" or "Scioto Right," its land and financial policies and its paternalistic features.

VIII

The object of the Company was to raise a fund of One Million Dollars, to be subscribed for in shares of One Thousand Dollars each, payable in Continental Certificates, and Ten Dollars to be paid in gold or silver. The Fund, less one year's interest (to be devoted to the cost of making a settlement and aiding the migration of those who were "unable to remove themselves") was to be used to purchase land "in some one of the proposed States north westerly of the River Ohio."

Five directors, a secretary, and a treasurer were to manage the affairs of the organization. No shareholder could purchase more than five shares nor less than one. Several persons could purchase a share by clubbing together and authorize any of their number who "chose to adventure," or migrate, to represent them. The proprietors of each twenty shares formed "one grand division," and could appoint their agent who was accountable to each member of the grand division that employed him by a system of duplicate receipts. The directors were to have sole disposal of the fund raised. They or their chosen agent could purchase lands for the benefit of the association "where, and in such way, either at publick or private sale, as they shall judge will be most advantageous to the company." The right to obtain "an Ordinance of Incorporation" from Congress or "an act of Incorporation" from any one of the States was accorded to the Directors.

On March 8th, 1787, at a special meeting of the Company, it was found that 250 shares had been subscribed for; it was reported that many desiring to subscribe held back through fear that a sufficiently large body of land "collectively for a great settlement" could not be secured. Accordingly, a committee consisting of General Samuel H. Parsons, General Rufus Putnam, and the Reverend Manasseh Cutler was appointed to make application to Congress for a private purchase of land.

General Parsons was selected to present the memorial of the Company to Congress for this Committee. This was read in Congress May 9, 1787. Because the matter was negatived no proper notice has been given it by students; yet a study of it makes clearer in important ways the history of the movement. The general application read:

> To the United States in Congress assembled:
>
> The Memorial of the Associators for the Purchase of Lands Northwest of the River Ohio by their Agent Samuel Holden Parsons Sheweth: that many of your Memorialists were Officers & Soldiers of the late foederal Army, who by Resolves of Congress are intitled to a grant of Lands; and others are public Creditors who are desirous of a satisfaction of their Debts in the foederal Lands, and for that purpose have associated for purchasing & Settling a Tract of Country in the ungranted Lands of the United States under the Direction & Government of Congress.
>
> They therefore pray that a Tract of Country within the Western Territory of the United States at some convenient Place may be granted them at a reasonable Price, upon their paying a Sum not exceeding One Million Dollars nor less than five Hundred Thousand Dollars, and that Such of the Associators as by the Resolutions of Congress are intitled to receive Lands for their military Services may have their Lands assigned them within the aforesaid Grant and

as in Duty bound your Memorialists will pray &c. Dated in New York the 8th of May, 1787.[30]

The two-fold character of the membership of the Company is more clearly brought out here than elsewhere. It is also to be noted that, in its original proposal, the Company was well within bounds in its request—bounds that experience proved were well-chosen and practical.

The detailed proposition offered by General Parsons read as follows:

> 1. The Company will pay into the Treasury of the U. S. Three Hundred Thousand Dollars in Public Securities before a Patent shall be granted"
>
> 2. [Struck out.]
>
> 3. That Six Hundred Thousand Acres be granted to the Company in some convenient Situation;[31] or if the Company shall pay a greater Sum than 300,000 Dollars a larger Tract shall be granted at the same Rate
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> 4. That to every One Hundred Thousand Acres granted the Company shall furnish Pay & Clothe Twenty Soldiers, for one Year to be under the Government & Direction of Congress,

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[30] *Papers of the Continental Congress*, xli, 8, 226.

[31] The exact location must have been verbally determined. As commissioner at Fort Finney treaty, General Parsons became infatuated with the Scioto-Miami region, evidently without knowing that it was under Virginia option. He strongly favored locating on the Scioto. Certain circumstances point to the possibility of Parson's being interested in the Nathaniel Sackett proposal to make a purchase of all lands between the Muskingum and Scioto extending from the Ohio River to Lake Erie. This proposed purchase will be treated fully in Vol. iii of this series.

> provided the Soldiers so furnish^d shall be march^d to the Lands to be granted, & armd & fed by the Public during the Time they continue in Service, and shall be compeld to do Duty in any part of the Country of the U. S. Northwest of the River Ohio
>
> 5. That the military Rights due to the Connecticut Line of the Army be assignd to them adjoining to the Grant to be made to the Company, provided Congress do not receive military Rights in payment from the Company.
>
> 6. That the Company will be at the Sole Expence of dividing the Country granted them into Townships in which Division the Reservations ordered for public use shall be made, the Outlines only of the Grant to be run at the Expence of the U. S.
>
> 7. That the Settlers shall be under the immediate Government of Congress in such Mode & for such Time as Congress shall judge proper.[32]

The price offered, it will be seen, was Fifty cents an acre for Six Hundred Thousand or more acres. The indefiniteness of this clause is reproduced in the next relating to military service for which no time limit is set. To cap the climax, the fifth article nullifies the whole basic idea in the formation of the Company in favor of the holders of military rights in the Connecticut Line. There must have been some justification for this favoritism that does not appear in the documents and correspondence of the day. The second article (which was struck out) provided that Two

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[32] *Papers of the Continental Congress*, xli, 230-231.

Hundred Thousand Dollars in Military rights should be allowed.

IX

On the receipt of General Parsons's reports from New York late in May the leaders of the Ohio Company took the stand that the terms of the application made by him were not satisfactory and Rufus Putnam and Manasseh Cutler wrote as follows to Secretary Winthrop Sargent:

> The Company have held a meeting and taken into consideration the letter from General Parsons. We cannot, on any consideration, accede to the location proposed by him, to Congress, as it must defeat us in many of our most important views.[33] We are fully in opinion that the most advantageous situation will be nearly where we first proposed, and wish, if possible, to have our eastern bounds on the line of the seventh range of townships and our western on the line Congress have fixed as the western boundary of the State of Washington,[34] then to extend northerly, so as to include the quantity of lands which the Company shall wish to purchase. We must insist, at least, that our eastern line should be bounded on the Muskingum. If this can not be obtained, we think of giving up the idea of making a purchase as a company. Our prospects

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[33] The Ohio Company desired its lands to lie adjacent to the Seven Ranges; the proposed Sackett purchase would defeat them in this purpose. If Parsons succeeded in pushing the Ohio Company lands westward of the Scioto, room would be left for the Sackett purchase between that river and the Muskingum.

[34] See page 7, *note*.

are such that we have little doubt of extending our subscription to a greater number of shares than is proposed in our Articles of Association, and an immediate settlement should be made. We propose one of us to visit General Parsons, and, if necessary, to on to Congress immediately after we are informed that there is a sufficient representation for completing our business. Our principal fears of a disappointment are that Congress may dispose of those lands before it will be in our power to apply for them. We therefore beg you to do everything in your power to obtain the lands where we proposed; and to suggest to some of the most influential members, in whom confidence can be placed, where our Company wishes to make their purchase; and that, if they are disappointed, the Company will give up the idea of making the purchase at all; and that they will endeavor to prevent the disposal of those lands until the Company can have opportunity to make application. We think some caution may be necessary in placing confidence, particularly with respect to members from this commonwealth. We can, however, confide in your prudence in this matter. We likewise think it best, as there seems to be ground to suppose General P——s may have views separate from the interests of this Company in his proposal for a location, that he should have no information of our desire to have it in another place until we have opportunity to converse with him on the subject. We beg you to give us the earliest information when Congress are sufficiently represented for our purpose, if it takes place before you

> leave New York; if not before your departure, that you will request some friend there to inform us after you leave the City. We refer you to Captain Mills for further information.[35]

Late in June of the same year Dr. Cutler prepared to go to New York as the representative of the Ohio Company to Congress in the room of General Parsons. The latter had been chosen to represent the Company in part because of his acquaintance with men and in part because of his actual acquaintance with the Ohio Valley. In selecting Dr. Cutler as agent to Congress the Company, perhaps unwittingly, chose a Franklin. Without attempting a biography of Manasseh Cutler it will be in point, before describing his extraordinary part in laying the foundations of civilization in Ohio, to emphasize his Franklin-like abilty to meet and mingle with all sorts and conditions of men; to caution ourselves against the danger of injuring his brillant reputation in the eyes of critical scholarship, Marcus Whitman-wise, by claiming too much for him; and yet, lastly, to repudiate sternly such lurking but human-like insinuations as have been made now and then that Dr. Cutler overstepped ethical boundary lines in his work for the Ohio Company.[36]

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[35] Cutler, *Cutler*, i, 196-197.

[36] These insinuations vary from coarse statements of sensationalists to the suave but not unmeaning pleasantries of such scholars as Professor Treat who says: "There can be little doubt that the interests of the Ohio Company were well looked after by the Rever-

Dr. Cutler was in his forty-fourth year when the Ohio Company was formed, and, at the time, the more-or-less dissatisfied pastor of the Congregational Church at Ipswich, Massachusetts. He was a product of the times, theologian, astronomer, naturalist, a great man struggling for light in a day when the greatest of questions were beginning to be studied without theological bias. His range of acquaintance and his range of interests alike challenge comparison with those of the Philadelphia sage. A brief resumé of his diaries for the preceding years show clearly a range of vision and interest that marks him as one of the great New Englanders of his time. He was elected a member of the American Academy of Arts and Sciences in 1781, a member of the Philosophical Society of Philadelphia in 1783, and honorary member of the Massachusetts Medical Society in 1784; in 1789 Yale conferred upon him the degree of Doctor of Laws; he was a member of Congress from Massachusetts, 1801-1805. A gallant chaplain in the Revolution, who was once signally honored for bravery in action, he had made a wide circle of friends; at Boston he was the guest of the Governor; at Cambridge, the guest of Harvard's President; at New Haven the guest of the President of Yale; at New York and Philadelphia he was honored by Benjamin Franklin and the leading figures in political, ed-

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end Mannasseh Cutler.'' — *The National Land System*, 50. Professor McLaughlin implies that the monetary outweighed the ideal in Dr. Cutler's mind. — *The Confederation and Constitution*, 124-125.

ucational, and religious walks of life. The naive comments in his diaries, some more excusably self-conscious than others, are no less interesting as portraying his character than his firm refusal to countenance efforts that would make for his civil advancement.

Unfortunately the portions of Cutler's diary relating to the period of the formation of the Ohio Company are not in existence. He left record, however, that he had long "entertained an high opinion of y^e lands in y^e western country," and when induced to attend the meeting of the Ohio Company March 1, 1786, by Winthrop Sargent he determined "to join y^e association, but without y^e most distant thought of taking an active part."[37] He is enrolled in the records as a delegate from the County of Essex. In what sense he was delegated will probably never be known. That he purposed seeking new fields of labor we have from his own hand: "I had suffered exceedingly in y^e war, and after it was over, by paper money and y^e high price of articles of living. My salary small and family large, for several years I thought y^e people had not done me justice, and I meditated leaving them. Purchasing lands in a new country appeared to be y^e only thing I could do to secure a living to myself, and family in that unsettled state of public affairs."[38]

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[37] Quoted in C. M. Walker, *History of Athens County, Ohio*, 250.

[38] *Id*, 251; Cf. ultimatum to his Ipswich church, 1778, in the Dawes *Manasseh Cutler Collection, Ohio and Scioto Co.*, 61.

The record of Dr. Cutler's services to the Ohio Company and the western country in general forms a goodly part of the story contained in these volumes. His address and adroitness stand out clear cut in all his negotiations. As might have been expected, he was particularly successful in meeting strangers and inducing them to weigh carefully his arguments in favor of the Ohio Company. He proved himself a master-wirepuller to the third and even fourth degree; Franklin, in his best days, could not have treated congressmen with more skill, aplomb, or honesty. And like Franklin, Dr. Cutler was "not above turning an honest penny in a land speculation which bade fair to be remunerative and interesting," as Professor McLaughlin states.[39] On the other hand, Dr. Cutler had no more training than any other member of the Ohio Company for meeting on equal terms with the group of speculators led by William Duer. We have no proof that any of the Ohio Company group fathomed in the least the purposes and system of business conducted by Duer, Craigie, and Flint. Dr. Cutler was introduced to them as to the great American financiers of his day and he took the World's verdict as to their honesty and ability. He was as ignorant of what was going on beneath the surface in their offices as was the rest of mankind. To hint or imply that he might have foreseen the dangers of an alliance with the Duer group as it then stood in the eyes of the best men of New York is to misread the records of the day and misunderstand the men who were making them.

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[39] *Confederation and Constitution*, 119.

One thing should be kept in mind in all discussions of Cutler's relations with Congress and the New York financiers. He came to make a purchase of land for the soldiers and others who were to make up the Ohio Company of Associates. He did not come to New York to frame an Ordinance for the western country—whatever influence he may have exerted to that end. He did not come for the purpose of launching a great land speculation in coöperation with the leading financiers of the city. He came as an agent of the Ohio Company; all he did was in the capacity of an agent; but for the Company he represented he would have had no hand in framing the Ordinance of 1787 and no hand in putting on foot the so-called Scioto speculation. As an agent he favored General Parsons as Governor of the proposed western territory; when he saw it was good politics to favor General St. Clair he did so immediately and frankly—for the good of the cause he represented. For this singleness of purpose, Dr. Cutler has not received the praise that should be his. Yet here lay his power and his influence. It was *because* he was the agent of the Ohio Company that a last draft of the famous Ordinance was brought to him for his approval; it was *because* he was an agent that all his suggested amendments were acceded to. Had his business been ordinance-making (and who could doubt that he glimpsed the consequences of the matter?) his diary would have been filled with this subject and his own part in the transaction been put clearly on record. Yet he passes the matter with the single nonchalant statement that he was given *carte blanche* to revise the final draft!

Dr. Cutler's experiences and success are fully described in his diary.[40] On July 2d he left General Parsons's home at Middletown, Connecticut, and reached New York on the 5th. From that date to July 27th Dr. Cutler was engaged at New York and Philadelphia in a round of dinners, calls, sight-seeing and negotiations with members of Congress — all most picturesquely and frankly described by him.

The failure of previous writers to study the Mss. *Papers of the Continental Congress* in connection with Dr. Cutler's negotiations has resulted in a failure to put clearly what must be considered the crucial point at issue. In brief, Congress desired that the purchase involve as large a tract of land as possible; a method of joining the Ohio Company purchase and a (Scioto) speculation was proposed by men influential enough to secure the legislation needed; Dr. Cutler evidently agreed to assent to this provided the agreement or contract could be of a dual character. That the point at issue was the duality of contract is proven by comparing the terms of the original proposal with the contract as finally signed. The former we quote here; the latter will be found in the original minutes in this volume. Those who have argued the legal indivisibility of the Ohio and so-called "Scioto" companies will note that by Dr. Cutler's proposals of July 21st a single purchase of a great acreage was to be made by Parsons, Putnam, and Cutler and Associates. *No mention is made of the Ohio Company.* The proposal reads:

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[40] Cutler, *Cutler*, i, 215-305.

> It is proposed by S. H. Parsons, Rufus Putnam & M. Cutler for themselves & Associates, to purchase of y^e United States y^e undermentioned tract in the western territory of the United States, on y^e following conditions viz—
>
> Discription of y^e Tract
>
> A certain tract of land in y^e western territory of y^e United States, bounded on y^e east by y^e western boundary of y^e seventh range of townships, on the south by the Ohio river, on the west by y^e river Scioto, & on the north by a due east & west line, run from y^e northwest corner of the 10th township of the 7th range (reckoning from y^e Ohio) untill it shall intersect the Scioto
>
> Conditions
>
> 1^st The price to be three shillings & sixpence lawful money, or 7/12 of a dollar, per Acre, payable in any of y^e securities of y^e United States.

2^{d} In payment for y^{e} lands, no interest shall be computed on the certificates paid in, provided that indents of interest, signed by y^{e} Treasurer of the United States, shall be given to y^{e} purchasers, for all arrearages of interest due on y^{e} said certificates, to y^{e} date of their payment, which indents shall be receivable in all y^{e} general Requisitions, in proportion assigned to the respective Requisitions, on which they may be paid in.

3^{d} The payments of y^{e} above purchase to be made in y^{e} following manner — viz,

The 1st payment shall be within three months computed from y^{e} date of this agreement: & shall amount to two hundred & fifty thousand dollars; — the second payment shall be when the survey of the above tract is made, & shall amount to four hundred thousand dollars; — the remainder shall be paid in six equal installments at y^{e} expiration of every six months, computed from the date of y^{e} second payment.

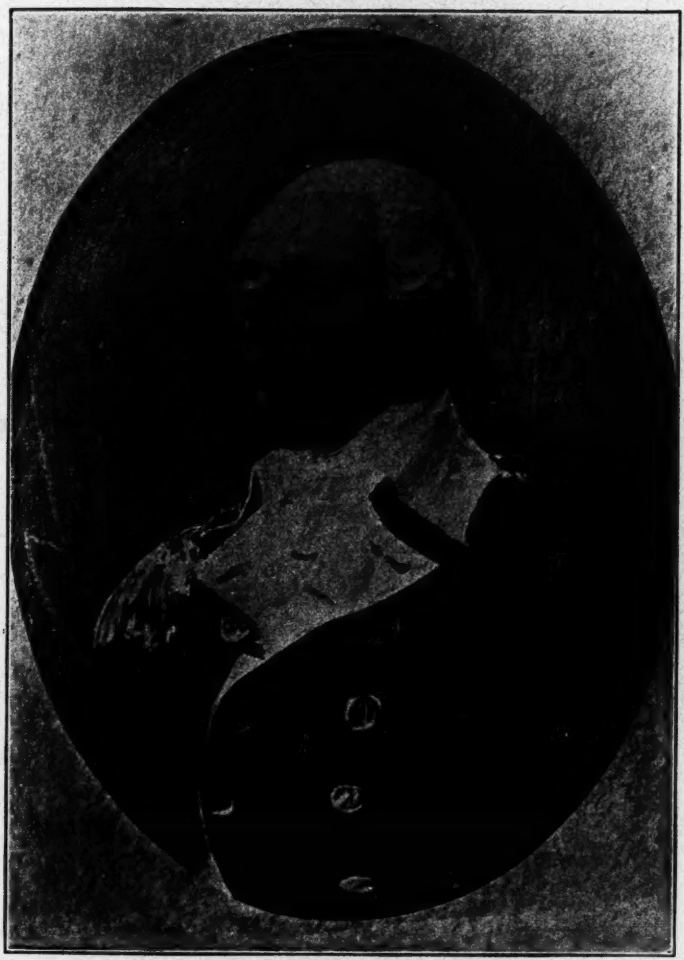
4th When the first payment is made an Instrument of writing shall be delivered to the purchasers, signed by y^{e} President of y^{e} United States in Congress & Sealed with their Seal; declaring that the United States have sold to S. P. — R. P. — & M. C. & their Associates for & in consideration of one dollar per acre, the tract of land above described. — On which the purchasers shall execute another instrument, binding themselves & their Associates for the Payment of the above purchase, agreeable to y^{e} above conditions.

And it shall be further declared, in the last mentioned Instrument, that the purchasers shall not be entitled to take possession of any part of y^e lands contained in the above tract, only in the following manner.—viz—when the first payment is made, they shall have a right to take possession of a certain tract of land, bounded east by y^e 7th range of townships, on y^e south by y^e Ohio river—on y^e west by a line run due north from the western cape of the Great Kenhawa, so far as *that*, from its termination, a line run east to y^e western boundary of y^e seventh range of townships, may comprehend a quantity adequate to y^e first payment—When the second payment is made they shall have a right to take possession of as great a quantity of lands as shall be, when added to the aforesaid quantity, equall to y^e amount of one million of dollars; which lands shall be bounded on the east by y^e western line of y^e 7th range of townships, on y^e south by y^e first location, & on y^e west by a continuation of y^e line from the Great Kenhawa, & on the north by an east & west line to y^e western boundary of the 7th range of townships. Military rights, in y^e ratio of one to seven, to be admitted in the above mentioned possessions, for the Officers & Soldiers of y^e late Army, who may be proprietors in the said lands, & also, two townships for the establishment of a Literary Institution. When the first & second installments are completely paid, & not before, the purchasers shall have a right to take possession of as great a quantity of lands, as the several payments at that time made, shall amount to—& this ratio of equal payment & possession shall be continued, untill y^e whole payment & possession is accomplished.—

When y. first & second payments are made & the first installment completed, then the purchasers shall receive a formal deed for the quantity of land which shall be equal to y^e^ purchase of one million of dollars. comprehended within the boundaries above mentioned; and after this period they shall from time to time receive deeds for as great a quantity of lands as their several payments shall entitle them to, at y^e^ price agreed on.—

5^th^ Notwithstanding y^e^ declaration of sale specified in y^e^ first mentioned instrument, the purchasers & their Associates bind & oblige themselves in case of failure in y^e^ payments as above mentioned to renounce all claim or pretention of right to any lands for which they have not made bona fide payment as before expressed, & the said Company or individuals thereof shall have no kind of right or pretence to enter on or take possession of any parts of said tracts, of which such failure is made, & the said tracts shall be free to be sold by Congress to any person or persons whatever—and in case the said tracts of which such failure is made, be afterwards exposed to sale by Congress, y^e^ present purchasers shall be liable to make up y^e^ loss (if any) which may arise betwixt y^e^ price of y^e^ lands so sold, & what is hereby contracted for.

6^th^ The purchasers shall have y^e^ right of preemption of three additional townships some where northerly of the tract above specified, at the price agreed on, & to take possession of y^e^ same when the payment thereof shall be duely made.



General Rufus Putnam

From a painting by Trumbull in Yale University Library

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> 7th The aforesaid purchasers, shall, at their own expence, within 7 years from date hereof, lay off the whole tract which they shall purchase, into townships & fractional parts of townships, & divid the same into lots according to y^e land ordinance, & make complete returns thereof to y^e board of Treasury—Lots N° 8—11—& 26 in each township & fractional parts of townships, to be reserved for y^e future disposition of Congress. Lot N° 16 to be given perpetually, by Congress, to y^e maintenance of Schools, & lot N° 29, to y^e purposes of religion in the said townships—two townships near y^e center of y^e second specified tract, which comprehends y^e purchase amounting to y^e first mentioned million of dollars, & of good land, to be also given by Congress for y^e support of a literary Institution, to be applied to the intended object by y^e Legislature of y^e State.[41]

The various notes and letters which must have been exchanged between Dr. Cutler and the Committee of Congress do not seem to be in the *Papers of the Continental Congress* nor in any manuscript collection. But looking at the proposals of July 21st, here published for the first time, and the contract as finally signed, some things are plain. As a result of conference and compromise the plan of July 21st—of making one purchase not specifically stated to be for the Ohio Company of Associates—was abandoned and a new plan to make two purchases was adopted; the new plan called for the execution of dual contracts, one signed by Cutler and Sargent *as representatives of the Ohio Company*, and the other signed by them as representing another association of purchasers distinct from the Ohio Company. This proves beyond question that Cutler and Sargent intended not to involve the Ohio Company in any other transaction. No one can believe that the Duer group of speculators had any idea that the Ohio Company could be held legally responsible for any action of theirs; knowing their character as we now do through the *Craigie Papers* and *Knox Papers*[42] no one could believe that such a wrecking crew would have kept their hands off the Ohio Company had a shadow of legal connection made this possible. When the Scioto group was in the last throes of dissolution and Duer was being haled to jail, the Ohio Company was dividing an $80,000 "dividend" among its stockholders.[43] That a group of men who had made a Massachusetts legislative committee afraid of their own shadows[44] would have allowed this dividend to be distributed, if there could have been found the least reason why the Ohio Company should be held responsible for the Scioto speculation, will be credited by no sane person. In later years it was urged that the Ohio Company was legally responsible for the Scioto transaction; the question being referred to the United States Attorney General, his opinion explicitly stated that there were two sides to the question.[45] The best proof of the pudding however, is the eating thereof; the fact that the Ohio Company was never held responsible is proof that it could not be. Could this have been done nothing is surer than that it would have been done. Duer in his last days cried out that a paltry $17,000 invested in Maine lands was his "sheet anchor;" he had advanced the Ohio Company nine times that amount; if any one knew that a legal responsibility lay with the Ohio Company Duer did; and he never raised a finger to compel the Ohio Company to take any responsibility in the matter, beyond forcing it to care for the unfortunate French who had wended their way to the Ohio.

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[41] *Papers of the Continental Congress*, xli, 8, 234-238.

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[42] See footnotes 48 and 49. It is to be hoped that the American Antiquarian Society will eventually publish the *Craigie Papers.*

[43] Overpayment by shareholders returned as less acreage was purchased than originally intended.

[44] Jackson to Knox, *Knox Papers*, xlvii, 177.

The completion of the negotiation is given by Dr. Cutler as follows:

> New York City, N. Y. *Friday, July 27.* I rose very early this morning, and, after adjusting my baggage for my return, for I was determined to leave New York this day, I set out on a general morning visit, and paid my respects to all the members of Congress in the city, and informed them of my intention to leave the city that day. My expectations of obtaining a contract, I told them, were nearly at an end. I should, however, wait the decision of Congress,

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[45] *American State Papers, Public Lands*, i, 23.

and if the terms we had stated, and which I conceived to be exceedingly advantageous to Congress, considering the circmustances of that country, were not acceded to, we must turn our attention to some other part of the country. New York, Connecticut, and Massachusetts would sell us lands at half a dollar, and give us exclusive privileges beyond what we had asked of Congress. The speculating plan concerted between the British in Canada and New Yorkers was now well known. The uneasiness of the Kentucky people with respect to the Mississippi was notorious. A revolt of that country from the Union, if war with Spain took place, was universally acknowledged to be highly probable. And most certainly a systematic settlement in that country, conducted by men strongly attached to the federal governments, and composed of young, robust and hardy laborers, who had no idea of any other than the federal government, I conceived to be object worthy of some attention. Besides, if Congress rejected the terms now offered, there could be no prospect of any application from any other quarter. If a fair and honorable purchase could not be obtained, I presumed contracts with the natives, similar to that made with the Six Nations, must be the consequence, especially as it might be much more easily carried into effect. These and such like were the arguments I urged. They seemed to be fully acceded to, but whether they will avail is very uncertain. Mr. R. H. Lee assured me that he was prepared for one hour's speech, and he hoped for success. All urged me not to leave the city so soon; but I assumed the air of perfect indifference, and persisted in my determination, which had apparently the effect I wished. Passing the City Hall as the members were going in to Congress, Colonel Carrington tole me he believed Few was secured, that little Kearney was left alone, and that he determined to make one trial of what he could do in Congress. Called at Sir John Temple's for letters to Boston; bid my friends good-by; and, as it was my last day, Mr. Henderson insisted on my dining with him and a number of his friends whom he had invited.

At half past three, I was informed that an Ordinance had passed Congress on the terms stated in our letter, without the least variation, and that the Board of Treasury was directed to take Order and close the contract. This was very agreeable but unexpected intelligence. Sargent and I went immediately to the Board, who had received the Ordinance, but were then rising. They urged me to tarry the next day, and they would put by all other business to complete the contract; but I found it inconvenient, and, after making a general verbal adjustment, left it with Sargent to finish what remained to be done at present. Dr. Lee congratulated me, and declared he would do all in his power to adjust the terms of the contract, so far as was left to them, as much in our favor as possible. I proposed three months for collecting the first half-million dollars and for executing the instruments of contract, which was acceded to. By this Ordinance we obtained the grant of near 5,000,000 acres of land, amounting to three millions and a half of dollars, one million and a half of acres for the Ohio Company, and the remainder for private speculation, in which many of the principal characters in America are concerned. Without connecting this speculation, similar terms and advantages could not have been obtained for the Ohio Company.

On my return through Broadway, I received the congratulations of a number of my friends in Congress, and others, whom I happened to meet with. At half after six, took my leave of Mr. Henderson and family, where I had been most kindly and generously entertained, and left the city by way of the Bowery.[46] . .

X

In all the negotiations of these days, as in all legislative enactments relating to land, the idea of securing revenue dominated the minds of Congress. Professor McLaughlin well says: "Cutler came to congress commissioned to buy land, and the simple proposition to that effect must have sounded sweet in the ears of congress, even though the purchase was to be made, not in hard cash, but in certificates of public indebtedness."[47] A careful reading of the records gives one the impression that the members of Congress were anxious that Dr. Cutler should make a proposition so tantalizing from the revenue point of view that they could find no excuse to deny it.

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[46] Cutler, *Cutler*, i, 303-305. The contract as recorded in the original minutes will be found on pages 29-37 of this volume.

[47] *The Confederation and Constitution*, 120.

The tract of land to be negotiated for must be of a size commensurate with the other tracts in the West which had been under discussion, as the Virginia Military District or the "Western Reserve." And, as a result, the amount of revenue to accrue from the negotiation had to be more than a drop in the bucket; it had to be worthy of comment—sufficient in size to encourage those who had steadily maintained that western lands would materially help to pay the war debt. Psychologically, the transaction had to be of size to be dignified; it had to smack of "big business"; it had to appear as the prophetic beginning of a long line of similar negotiations which would bring in large sums to the national treasury. No tawdry, commonplace dicker, that might be duplicated by every Tom-Dick-and-Harry coterie of financiers, could be considered by Congress. The tracts under option or reservation in the West, by Virginia or Connecticut, were small empires, running from three and a quarter to four and a quarter million acres each. An "Ohio Company," able to ask only for a million and a half acres and paying only a quarter of a million down, could not be recognized; but a group of financiers, offering to purchase a tract of five million and paying half a million down and a like amount as soon as the tract was surveyed, was an organization to be encouraged; the deal was of a size to pique the imagination and the sums involved bespoke a new day for the treasury of the Nation. It satisfied the pride of all who had prophesied that the West would prove a real asset.

The manuscripts now known to exist relating to the subject give us no idea, as stated, as to the origin of the dual or "enlarged" scheme that would couple the Ohio Company purchase with a great speculation and so make it possible for Cutler and Sargent to apply for a greater tract of land than they had intended to secure. That the new or dual scheme was known to the members of the committee of Congress with whom Cutler was dealing is practically sure from the statement of Dr. Cutler's that the committee had already expressed the hope that he would continue the negotiation, promising to "take the matter up that day on different ground, and did not doubt they should still obtain terms agreeably to my wishes."

Concerning this group of "principal characters of the city" Dr. Cutler knew no more, and probably no less, than what current rumor reported and what their general acceptance everywhere and by best and most honored indicated. There is no room for doubt that the committee of Congress felt that, linking the democracy and willingness of performance of the Ohio Company of Associates with the financial strength of a Duer group of promoters, a very honorable and successful negotiation could be concluded and carried to successful issue. True, it was a case of a government official abetting legislation from which he stood a prospect of making great profit. To doubt that the committee knew this is to misread everything that is written between the lines of the documents that are left to us of the transaction. To question the ethics is to question the standard of ethics of the day, a task as easy as it is unavailing. Nevertheless, a study of the "Scioto group" and its methods of operations is of real importance for purposes of comparison; within one nut-shell (the contracts of Cutler and Sargent with the Board of Treasury) we find two kernels, one good, genuine, and wholesome, the other wholly bad and begetting failure and remorse. To know what the Ohio Company was *not*, one should know what the so-called "Scioto Company" *was*.

The Scioto coterie was composed of an interesting crowd of promoters and speculators; their operations, individual, coöperative, and international in scope, throw light upon the financiering and speculation of the first years of the Republic's life and show how closely we were then bound to the mother-country and to Europe.[48]

The record of these operations is to be found, so far as it can be found, in the correspondence of the principals and in such other memoranda as they may have left.[49] The study of such material is necessarily difficult; these men were close-mouthed business men; their objects and methods are rarely, if ever, stated in writing; adept in the art of communicating unessentials, they are past masters in the art of refraining from writing at all. "I pray you to answer some of my epistles," wrote Christopher Gore to his old friend, Andrew Craigie, playfully, "if you do not I shall conclude you are in love or deep in some political project."[50] The student must depend partly upon indirect evidence, partly on frank letters written by uninitiated correspondents, and partly upon letters written in moments of anxiety or despair, when caution was forgotten.

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[48] For a more complete description of their operations, see A. B. Hulbert, "The Methods and Operations of the Scioto Group of Speculators," *The Mississippi Valley Historical Review*, i, no. 4; ii, no. 1 (June and March, 1915.)

Dr. Cutler, knowing little about the enterprising partners who were imposing a new company on him as the condition of his own success, sounded the keynote of their system of operation when he said that the project must be "kept a profound secret." By this we are not to believe that Dr. Cutler meant that the facts must be kept secret because some of these "principal characters," as he calls them, were using public office for private gain, or because they were bent on influencing legislation to fatten their pocket-books, but because secrecy was the very breath of life to the men of high finance. Arnold Bennett writes of the present-day American business men, "They are open with one another, as intimates are. Jealousy and secretiveness are much rarer among them than in Europe."[51] This condition has been a growth since 1787. It would be extreme to say that public credit, private faith, and common honor were lacking in those "good old days," but the reading of several thousand letters of the "principal characters of America" does not tend to decrease suspicion. Injunctions to secrecy and reasons therefor occupy innumerable pages; initials and noms de plume for third parties were equally common, and systems of shorthand and formal codes were in use not so much to limit expense as to make correspondence unintelligible to other persons. Their common use also indicated the erratic and wholly uncertain postal conditions; those who wished to do so could successfully intercept any rival's communications for a time without difficulty. The spying upon the movements of important men, financiers, like Robert Morris, for instance, whose very whereabouts had its significance, was usual. The modern telegraph and telephone are generally regarded as agents of publicity, but they have also made it possible for men to build around themselves an impenetrable wall of secrecy.

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[49] The manuscript sources referred to in the following pages may be found in the following libraries: *Craigie Papers*, in the American Antiquarian Society; *Knox* and *Pickering Papers*, in the Massachusetts Historical Society; *Scioto Papers*, in the New York Historical Society; *Gallipolis Papers*, in the Historical and Philosophical Society of Ohio; *Barlow Papers*, in the Harvard College library; *Emmett Papers* in the New York Public library; *Putnam Papers* in Marietta College library; *The Papers of the Continental Congress*, in the Library of Congress; the Treasury Department manuscripts; the *Manasseh Cutler Collection* in the Charles G. Dawes Collection. The writer is especially obligated to the officers of the American Antiquarian Society for many favors.

[50] *Craigie Papers*, 2: 52.

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[51] *Your United States*, 94.

Those whom Dr. Cutler called "my friends" carried to successful issue a resolution through Congress permitting the Board of Treasury, of which Colonel Duer was secretary, to contract with a person or persons for a sale of western lands. A tract containing 1,781,760 acres was sold to Manasseh Cutler, Winthrop Sargent, and associates in the Ohio Company for $500,000 down and an equal sum to be paid when a survey was completed; and an option on a tract containing 4,901,480 acres was granted to Manasseh Cutler, Winthrop Sargent, and associates, to be paid for in six installments. These figures indicate the actual number of acres found afterward to be contained in the boundaries as drawn.

The moiety actually paid by the Ohio Company permitted the holders of the collateral option liberal time for payment; of the half-a-million paid by the Ohio Company, $143,000 was loaned it by Colonel Duer, to be repaid as fast as possible. The stock of the organization holding the option, called by Dr. Cutler the "Scioto Company" and by Colonel Duer the "Scioto Right," was divided into thirty shares; thirteen went to Cutler and Sargent, and thirteen to Duer; four were to be sold abroad. Each share, supposed to represent 150,000 acres, was really found to represent 163,382 2/3 acres when survey of the region was finally made.

Whatever may have been the exact purpose of Duer in originating the Scioto speculation, as a land speculation it held the promise of great returns to the investors. Seldom, if ever, had a land company in our history a legal option to so great an area of equally valuable land; and never did in equal area held by a land company in our history improve in value, as a whole, more rapidly than did these five million acres. Two courses to make the adventure a success were open to those in control: to act either as a holding or as a developing company. In the former case money could be borrowed to make the payments, using the option as collateral; or, the option—or a fraction of it—could be sold outright for money necessary to pay the installments; in the latter case, the company paying one installment could "develope" a proportionate area by selling small tracts to genuine settlers and be morally certain that, in the event of failure to complete payment, title would be given for the fraction paid for. In any event, the Ohio Company, with lands adjoining, would be greatly benefited. Because the Scioto group chose to throw away the opportunity offered by the western land scheme in which they were interested, *it is not at all necessary to overlook or deny the rightful interest and expectation the Ohio Company ought to have had and did have in the outcome of an honest and intelligent development of the speculation.* The interest of Cutler and Putnam in the Scioto speculation was very great until it was clear that there was no intention of development and that it was only one of a large number of speculations indulged in by Duer's New York crowd.

For our purposes we may call these associated men "The Scioto Group of Speculators," not because any reasonable fraction of their time was given to Scioto land affairs, but because of all their adventures the Scioto speculation alone forced them into the open—into something approximating a formal organization. It is difficult to understand the relation that existed between them. It was as if a dozen or so congenial men had a mutual informal arrangement to act often together in a speculative capacity; in one of many phases of activity they were the owners of a Scioto option or "right"; in this capacity they referred to themselves solely as the "Company formed for land speculation." By a certain fatality they are best grouped and remembered by the name of the speculation to which they were most inattentive and indifferent, but which has enjoyed a romantic notoriety all out of proportion to the attention they gave to it through the coming of the forlorn French founders of the Gallipolis settlement on the Ohio River.

The office of Colonel Duer in New York was the business center of the group. Closely associated with him were Andrew Craigie of New York and Cambridge, Massachusetts — of Craigie House fame — Royal Flint of New York and Boston, William Constable, Melancthon Smith, Seth Johnson, and Richard Platt of New York, and Christopher Gore and Samuel Osgood of Boston. The connections abroad were with Daniel Parker and Company, and Smith, Wright, and Gray in London; N. and Th. Van Staphorst and Company in Amsterdam; and the Delasserts in Paris. Geographically, it will be noticed, this group was well distributed. Of the scores of persons involved it is difficult oftentimes to estimate their relative importance; many men were involved as a mere incident in business routine. The principals and chief agents resided at Philadelphia; New York; Boston; Alexandria, Virginia; Marietta, Ohio; and London, Amsterdam, and Paris; the distribution of these centers of interest was sufficiently wide to necessitate a correspondence and permit a cross-fire correspondence. There were regular channels of information; when letters demanding information or explanation went counter to these channel-currents they were not in code and often carried genuine and lively information! Duer, Craigie, and Flint seem to have been regarded as co-trustees of this group of speculators.[52] The relation to the companies of Richard Platt, who was treasurer of both Ohio Company and Scioto trustees, and Melancthon Smith, shown by the Jarvis letters to have been in a position of importance, is difficult to learn in full. That the Ohio Company trustees (Cutler or Sargent) were responsible parties in the Scioto group speculation is not evident; if Rufus Putnam, for instance, was such, he could not have acted as a witness to the Cutler and Sargent-Barlow transfer, as the original proves he did. Whatever division Dr. Cutler may have made of the Scioto shares that were turned over by Duer to him, the correspondence of the trustees involves no member of the Ohio Company in any of the purely speculative enterprises of the Scioto group; the Ohio Company shareholders are mentioned only when aid is needed on the frontier or in connection with compromise settlements with that company.

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[52] The reasons for believing this are as follows: They signed Benjamin Walker's commission as trustees (Walker's commission, in *Scioto Papers*); Flint wrote Craigie his signature was necessary to the compromise agreement with the Ohio Company (*Craigie Papers*, ii, 26); to them, when affairs went well, men wrote for a chance to invest (as Melancthon Smith, *Id.*, ii, 197); to them when affairs went badly many letters were written by factors asking for payment or coöperation (*Id.*, i, 23); in the records of the Ohio Company, Duer, Flint, and Craigie are usually termed "Trustees to the Proprietors of the Scioto Lands." *Id.*, i, 23.

It has been loosely said that lands offered practically the only field of speculation during the eighteenth century; this circle of men, or circles within the circle, were at all times speculating in lands, but their principal activities were in other fields. Their correspondence deals largely with speculation in the domestic and foreign debt, in State debts, in Pickering notes, new emission money and treasury warrants, in loan office certificates, in the notes of hand of firms and individuals, in wager stock (modern gambling on margins), in continental certificates and, most lucrative of all, in claims of individuals and firms against the United States, and United States claims against firms and individuals. These claims by regular routine came through the Board of Treasury; we have already seen the active interest of two members of that board, Duer and Osgood, in the Ohio Company case; we have full evidence concerning other measures which passed directly from the Board of Treasury to the group in question.

In all their operations no sign of formal organization of the associates is discovered; as various schemes of speculation are brought to the attention of individual members of the coterie a chemical reaction takes place—a redistribution of interests forming another group within the greater group. If the new scheme demands real money and is risky the "little" men are interested and cajoled; if the scheme is merely one involving margins and big with prospect, the big men only are involevd.

There is something reprehensibly modern in the way little speculators are led on by favorable reports on speculations that are ready to go by the board; on one day a member of the Scioto group defines a plan to a foreign agent by which "something may be saved" out of the wreck of a speculation, and on the next day writes a stockholder that the business goes on well and hopes it will soon be productive! On the day following he writes another correspondent that the business is going well but that personally he is determined to avoid liability.[63] Duer abandons the entire Scioto group a little later when he writes General Knox that he gives up that scheme for a Maine land speculation;[64] he keeps this a secret from all but Seth Johnson and Flint, and makes three hundred per cent in eighteen months—all of which is delightful in the face of Craigie's letter to Duer of August, 1787, which outlines his studious plan to link himself indissoluably to Duer.

The speculations of the Scioto group at home, classified roughly, show how they acquired and speculated in claims of the United States against a solvent foreign firm, how they acquired claims against the United States from insolvent American firms, their methods of disposing of Scioto stock for assets in other enterprises made possible by their political influence, the part played by them in the campaign in favor of assumption, and the methods employed in Ohio and Maine land speculations.

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[63] *Craigie Papers*, i, 64, 65, 66.

[64] *Knox Papers*, xxix, 76.

A review of Joel Barlow's relations to the Scioto speculators is interesting in the light of the foregoing diagnosis of the methods of the group of men whom he represented. We have seen that the plan to obtain a loan abroad by giving Scioto shares as collateral, or to sell the shares to foreigners, was a part of the original plan and formally discussed by Cutler and Osgood. Royal Flint was evidently Colonel Duer's choice for the mission with Jarvis probably as an advisor who knew the ways and means of foreign investment and speculation. Flint's illness necessitated a substitute; Joel Barlow, who had successfully sold Ohio Company shares for Dr. Cutler, was urged for the mission by Flint and Cutler and received from Duer the appointment. What the astute New York speculator expected of the young, untried, untraveled Hartford poet-lawyer baffles speculation. He had won no success at the bar, had shown little business ability, had no acquaintance with men of affairs; his poetry had little to recommend him. The superficial reader jumps at the conclusion that Duer permitted Barlow's appointment because his appeal would reach a different class from that which would be touched by the typical hard-headed business agent, and that poetic license was needed on a mission to sell lands which the group did not own. The publicity of the sending of an agent to France might have been all that Duer expected; in the meantime the group would doubtless turn over the option with some advantage to themselves. Immersed in a very labyrinth of speculation as they were, and not taking any of their adventures very seriously, depending never on developing any property but always upon "turning over" their stock, they were simply gambling on margins no matter what the nature of their investment.

No phase of the operations shows the real character of the methods of the group better than the Barlow episode. Their correspondence of the time shows no intention to better by one penny a single property that came into their eager hands, no intention to create a dollar's worth of wealth. They were perhaps the best early representatives of that class of predatory speculators who in our own day give Wall Street an evil name, despite the honesty and fidelity of the great mass of its operators. Barlow probably had as little idea of his real mission when he crossed the Atlantic as he had real knowledge of how to accomplish what he thought was his mission. Craigie, Parker, Jarvis, and the Staphorsts had all tried their hand at securing a loan on the "Scioto Right"; even Barlow's departure was delayed because Duer and Platt had news from London which indicated the new development of the arrangements which would make the sending of an agent unnecessary. There was no hope of Barlow's securing a loan in Holland, and he did not.

There remained for him only the herculean task of disposing of the option on the land. He arrived in Paris in June, 1788, and soon went to London; from there he went with Parker on a fruitless mission to Amsterdam. He reached Paris again in September; Brissot arrived some three months later; but we find no such coöperation between the two as would be expected. By April, 1789, Brissot repudiated Parker; but Barlow does not seem to follow his lead. Through a chance friendship with one Colonel Blackden, the latter met William Playfair. The friendship thus started ripened with the years and came to mean much to both Mr. and Mrs. Barlow. This Englishman was of the ilk with which Brissot so heartily classified Daniel Parker, and it would seem that Parker had more to do in the matter than Blackden; incidentally this strengthens the belief that Brissot was little consulted: later it will be seen that he repudiated the Scioto project entirely.

It was remarked above that the correspondence of the group does not show a purpose to do otherwise than speculate with the Scioto right. This does not refer to correspondence with Barlow. As far as correspondence, advice, and direction were concerned, Barlow was quite abandoned. If Gore in Boston had to plead with Craigie in New York for a letter; if Henry Jackson could secure a letter from Duer only by astonishing statements of exasperation, what hope had Joel Barlow of maintaining a correspondence with the trustees he represented? As a matter of fact, he received no answers to his first letters outlining the plan of sale to actual settlers through the Compagnie du Scioto. There is no justification for his misjudging his instructions to such a degree that the group at home should suddenly be thrown exactly where they morally belonged — in the role of developers of a great tract of country. In the correspondence examined relating to these transactions no other excuse is found for Barlow's action except that, lacking fresh advice, the Yankee in him made him so practically presumptuous as to suppose that, if the members of the group could not realize on their option in one way, they would be glad to do so in another. In this he was woefully mistaken. These men had invested no money in the venture; they were involved in a maelstrom of speculation; nothing was less to their purpose than to supervise and encourage an actual settlement in the Scioto country; rather, they would let the option lapse, automatically.

As a result of Barlow's efforts in Paris, the emigration party of about five hundred arrived at Alexandria, Virginia, in the spring of 1790. The pitiful account of their sojourn in Virginia and of their delayed arrivel upon the Ohio has been frequently repeated. The Porter, Franks, and Frazier letters, hitherto unused, bring out in clearer light the willingness of Duer and his followers to leave their agents unadvised, misguided, and unpaid.[55] The failure of Barlow to honor drafts upon him (which is still unexplained by any of the sources studied by the present writer) doubtless accounts for Duer's long delay in placing the emigrants upon their lands; in fact land for them had to be purchased by the Scioto trustees of the Ohio Company since no payment on the Sciota lands proper had been made. This delay was to prove fatal, for the failure or success of the Scioto speculation in France hinged on the reports of the first emigrants.

The brunt of the situation in America fell on the Ohio Company. Its men piloted the unfortunates to their lands for which the Scioto trustees never paid and built them temporary cabins.

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[55] Treated more fully in A. B. Hulbert, "Andrew Craigie and the Scioto Associates," American Antiquarian Society *Proceedings* (new ser.), 23; pt. ii, 222.

The Ohio Company lost eighty thousand dollars when, in 1792, the panic took down the three important Scioto trustees. The moral obligation of the group to the Ohio associates is perfectly clear; they owed their chance to speculate to the credulity of the Ohio Company's agents; by advancing a hundred and forty thousand dollars they received the right to three times as much land as the Ohio Company secured by a payment twice as large. That they should, through the presumption of Joel Barlow, with whom they held no proper correspondence, be forced into a seeming fulfillment of their duty in actually coöperating to settle their western empire is the amusing sequel.

To a larger degree than has been recognized, Barlow and his associates had taken securities and collateral of various sorts rather than money. In fact Brissot, in urging publicly the claims of another land company (what one is uncertain), declares it to be much more sound than the Scioto company since to become a member of it one must actually pay money; while to secure a share in Scioto lands, no money is needed: "*Celui-ci n' exige aucuns moyans de fortune.*"[56] If the truth could be known it might appear that embezzlement is attributed to Playfair and associates unjustly. Benjamin Walker, sent by the trustees of France to save the situation, exonerated Barlow of wrong-doing while denying him business ability.[57]

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[56] *Patriote Francois*, supplement, April 23, 1790. Barlow writing Duer, March 3, 1790, states that "none of the payments were yet [January 25] made."

Barlow as late as November, 1790, still stood by Playfair by subscribing his name to a letter to Duer describing the situation as it then existed.[58] And, as if to repudiate the stigma of not being a successful business man, Barlow in only four years accumulated a fortune equivalent now to half a million dollars, and lived in luxury while Duer died in jail, Flint failed, and Craigie dared not venture outside his beautiful Cambridge home of sainted memory for fear of the sheriff's long arm.[59]

The last phase of the speculative activity of these men was to engage with General Henry Knox and General Henry Jackson of Boston in a Maine land speculation, agreed upon May 24, 1791.[60] That it was deftly done is shown by the fact that the articles of agreement were signed July 1, a matter of only six weeks from the date of forming the association. Jackson writes Secretary Knox the news of the completion of the deal in the committee room: "Am writing this in the presence of the committee," he observes, "who are afraid of their own shadows."[61] Two million acres were contracted for at ten cents an acre, possibly the lowest price ever paid for land in New England since the formation of the republic.

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[57] *Craigie Papers*, ii, 32. As late as March 15, 1791, Flint is hoping Walker can clear their affairs in Europe. He states that there has been a great "waste" of funds in Europe.

[58] W. G. Sibley, *The French Five Hundred and Other Papers*, 43-53.

[59] Barlow to Mrs. Barlow (Algiers will), July 8, 1796. When nominated as minister to France Barlow's enemies objected on the one hand because he was a poet and therefore unpractical and on the other hand because he had secured a fortune by unknown means while abroad; to all of which Timothy Pickering made a very humorous reply in the senate. *Pickering Papers*, xiv, 328; xxix, 428, 430, 438; liv, 314.

[60] *Knox Papers*, xxviii, 234.

And now in the face of his tedious and costly experience with Barlow and the Compagnie du Scioto, Colonel Duer turned again to French emigrants for settlers and organized "The French Company of the Union," involving a French adventuress (Mme. de la Vol) and De la Roche who was sent westward on an important mission in the summer of 1791.[62] The agreement with the "French Company of the Union" was signed by Duer August 27th and by Knox September 3d.[63] Madame de la Vol contracted to pay fifty-six cents per acre. At the time of signing the "French Company" agreement Duer wrote Knox that he would abandon the Scioto concern; in fact the "State of Confusion" in Scioto affairs is the reason given by the associates in the "French Company of the Union" (which included Du Barth) in their "Address to the Proprietors of the Maine lands" for the formation of the company.[64]

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[61] *Knox Papers*, xlvii, 177.

[62] *Id.*, xxix, 86, 173; Hamilton, *Works* (Hamilton ed.), v, 478.

[63] *Id.*, xxix, 76.

The speculation ran the same course, in several respects, as the Scioto fiasco. Jackson personally conducted the French party to their lands,[65] whereupon there soon began a correspondence between the Maine settlers and the proprietors and agents in New York and Boston that finds its counterpart only in the correspondence concerning the Galliopolis emigrants.[66]

This record of concerted speculation of course closes in 1792 when the three leaders of the Scioto group went down in the panic which swept New York, following the wild craze for speculating in United States bank shares and similar baubles. The detail of events of the years from 1787 to 1792, in respect to this single group, brings out the power of personal initiative and the methods of coöperative financial support in a day of little money and abundance of paper obligation of indeterminate value; the general tone of morbid secretiveness that prevailed was the result of having no method of estimating a man's rating or the amount of his assets or his obligations. In almost every instance noted in the correspondence under review the reason for secrecy was to shield an obligation or asset from the eyes of partners or rivals or creditors; Duer's assigned reason for failure was "indiscreet confidences," —in the face of the fact that intimates like Flint could only by herculean efforts secure a letter from him on important routine business matters.[67]

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[64] *Knox Papers*, 78.

[65] *Id.*, xxx, 5.

[66] *Id.*, xli, 46; xxxiii, 21, 23.

XI

The relationship of the Ohio Company to the Ordinances of 1785 and 1787 has been touched upon by many writers dealing with this period. Opinions have differed widely; the writer whose authority and influence defies the time limit of copyright laws, B. A. Hinsdale, quotes and approves Poole's statement that "the purchase *would* not have been made without the Ordinance of 1787, and the Ordinance *could* not have been enacted except as an essential condition of the purchase."[68] Professor Hart says that "Manasseh Cutler . . . obtained, with only one dissenting vote, an ordinance."[69] Professor McLaughlin is inclined to be critical; he bases his point on the relative inattention to the matter paid by Dr. Cutler, judged by his diary entries, as elsewhere mentioned. Probably no amount of research or erudition will ever convince the world that the Ordinance of 1787 would have been passed when it was, and in the form that it was, had it not been for the exigency of the Ohio Company and the diplomacy of its agent. Thus all that that document stands for in American history, in a way gives a value to the records of the Company that hastened it into existence and the man who blue-penciled its last draft.

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[67] *Knox Papers*, xxxiii, 138.

[68] *The Old Northwest*, 267; *North American Review*, cxxii, 237.

[69] *Essentials in American History*, 195.

But with all due credit to Cutler, Dane, and King, one must recognize the fact that it was a cumulative document, the epitome of many years of discussion and debate. Much time has been spent to prove this or that man advocated this or that tenet at the psychological moment; well and good; but it is somewhat to the point to know whether the same tenet had been advocated for the Ordinance of 1784 or the Ordinance of 1785 or elsewhere in private or quasi-public correspondence. If one were to make a chart showing the chronological advocacy, for instance, of the township system of surveys, or exclusion of slavery, or land reservations for education, for religion, for national domain, etc., etc., a more just perspective could be secured. In 1783 General Putnam in forwarding the Newburgh Petition advocated the township system of rectangular surveys for the West; he advocated land reservations for support of the ministry, for schools, and for highways. But these had been topics of conversation before this among such men as Washington, Webster, Paine, Bland, Pickering, Hazard, and Hutchins. The Ordinance of 1784 would have made a land reservation for the ministry but for the peculiar wording of the motion before the house; had the motion been: "Shall the words be stricken out" it could have been made at that time. That same Ordinance made reservations for education, whereas the Ordinance of 1787 did not. Jefferson's effort to have slavery prohibited in the Northwest by the Ordinance of 1784 failed because of the illness of a single member who could have saved it. The Land Ordinance of 1785 included all these items except that prohibiting slavery.

These facts in themselves are not of great importance; but any careful catalogue of them throws into relief the superficiality of those who imply inordinate perspicacity to various parties for advocating in a timely manner any particular tenet which cannot be said to have been, in any sense, *originaire* with them.

The Ordinance of 1787, like all great documents and most inventions, was a summing up of the best of contemporary opinion. Dr. Hinsdale first and most clearly called attention to the timeliness of the interjection of the Ohio Company scheme into the discussions over the Ordinance and Dr. Cutler's great work in effectively arguing for it. The personnel of the Ohio Company was an argument *par excellence* in favor of creating the Territory North West of the River Ohio. The vital question in the trans-Allegheny portion of the country, as had been true in the

East, was unity and cohesion. Even the offer of the Governorship of the Territory to the President of the Continental Congress, General St. Clair, in this view, loses much of the sinister flavor some have tried to read into it. Any step that would secure loyalty; any plan that seemed to promise coöperation based on past services; any safe-guards that had a tendency to "banish forever the idea of our western territory falling under the dominion of any European power"—to quote Putnam's words of 1783—were the supreme needs of the hour.

The West under the Ordinance needed the leaven of the Ohio Company; the men of the Company were too American to migrate without the Ordinance and its Bill of Rights. It is only a mind essentially unscientific that can find satisfaction in asserting that any series of historical events would have had the same result whatever alternative was elected by the actors.

We remarked above that the men of the Ohio Company desired the Bill of Rights that was written into the Ordinance of 1787. It is rather remarkable how little attention was paid to the remainder of the Ordinance; so far as the material problem of carrying out the land-purchasing and land-developing phases of the episode were concerned, it was the Land Ordinance of 1785 that was cited and obeyed and not the Ordinance of 1787. There is but a single mention of the Ordinance of 1787 in the entire records of the Ohio

Company from 1787 to 1796. It is not mentioned in the contract made between the Company and the United States, although the Land Ordinance is mentioned frequently. It was on the Land Ordinance that all the operations of the Ohio Company with respect to lands were based; all orders to officers and surveyors cite that law as giving the provisions under which they shall proceed. The contract with the Government calls for the reservation of lots for education, religion, and for Congress according to the provisions of the Land Ordinance of 1785. From that contract, the reader would not know that an Ordinance of 1787 existed, yet it was signed three months after the Ordinance was passed.

And it is exactly this very series of interesting facts that proves the real greatness of the Ordinance of 1787. In practical affairs, such as methods of surveying, reserving lands for education and religion, the Land Ordinance still had right of way. The Ordinance of 1787 was written on another plane; with its abolishment of slavery and its Bill of Rights it was the law of inspired idealists, of men thinking along higher levels, men like Cutler, Dane, and King. No legislation of its age has received more praise at home or abroad. In editing its final draft Dr. Cutler represented the best that New England had to give of intelligence, high idealism, piety, and patriotism.

XII

If the expansion of the United States had been advanced only by the agency of speculations which were profitable to the stockholders, centuries would have been needed to reach the present stage. In an infinite number of cases where the treasurer's books showed failure or indifferent success, ventures like the Ohio Company achieved moral and psychical successes of no little importance. To attempt to sum up the influence of the Ohio Company in the Ohio Valley as a factor abetting the national government in the work of nationalizing the nearer West it is necessary to catalogue many seemingly petty and trivial circumstances. But the normal growth of any section of country is coral-like in its process and these records of the Ohio Company should interest the sociologist as being possibly the most minute of any such records of trans-Allegheny America.

The circular entitled "Information" issued by Putnam and Tupper, outlining a scheme of association, was widespread in its invitation. The Ohio Company invited to its membership not only officers and soldiers but "all other good citizens who wish to become adventurers." And the Articles of Agreement devoted a part of one year's interest on the capital stock to the worthy purpose of "assisting those who may be otherwise unable to remove themselves thither." It is noteworthy that no subscriber could hold more than five shares of stock; the Ohio Company was not framed to be a close corporation; absenteeism metamorphosed it to a large extent but such was not the intention of its originators. Moreover, those single shares of stock must be taken out in a single name; these might be subscribed for by any number of individuals.

No land company in America was ever formed with an eye more single to the welfare of the poorest investor; no land company in our history surpassed — if any approximated — the Ohio Company in its manifold efforts to better the case of its "common people." All shares could be represented at the official meetings by proxies; all lands were to be awarded by lot. For the accommodation of the first emigrants houses were to be built at the expense of the Company. Before migration started the Company asked for proposals from subscribers for options to erect saw-mills and corn-mills.

The advance party of surveyors were made proprietors in the Company; their tools were to be supplied, their baggage carried free, and their subsistence was to be provided by the Company; upon their arrival, the workmen were to be provisioned by the Company and paid four dollars wages per month in cash or lands. All were to be liable to military service during the time of their employment. Plats of the surveys of the new Settlement in quadruplicate were to be sent to an Agent in each one of the four states in which the bulk of the subscribers resided, Massachusetts, Rhode Island, New York, and Connecticut for the convenience of the share-holders.

At the first meeting of the Directors at Marietta the Board of Police was appointed to keep order in the Settlement, and resolutions were passed that should make the settlement as compact as possible for the sake of greater safety. When the erection of dams for mill sites was found to be detrimental to subscribers whose lands were overflowed an exchange of lands was provided for in order that justice should be done. The right to erect a blacksmith shop; liberal grants of land, for twenty years, for those who should erect gristmills; the letting by contract of bridge building and cellar digging; compelling house-builders to connect outer walls with stockades for mutual protection; liberal grants for the erection of a windmill and granary; the ordering of surveys to be done by contract; requiring the reports of surveyors to be carefully kept and deposited safely (without reservation of any duplicates) for the use of the public; compelling surveyors to take oath of office; naming the city, and dedicating a public square in honor of the Queen of France; granting one square mile of land to the Seneca Chieftain Cornplanter because of his friendship for the United States and the Ohio Company;

ordering the books of the Company to be open at all times for the examination of Directors or Agents and ordering that copies be made from them for any private individual who should apply for them at the current prothonotary fee; temporary refusal for the erection of fences within the city limits; ordering the careful exploration of and report on the unknown, outlying lands within the Company's Purchase; making liberal offers in land for the clearing of lots and opening roads within the limits of the Purchase; liberal grants of land to parties who should establish outlying stations within the Purchase; extraordinary appropriations for the building of fortifications, the housing of refugees, purchase of ammunition and surgical instruments in time of war; appropriating land for Nova Scotia refugees near Fort Harmar and for the misguided French emigrants at Gallipolis, and a great quantity of resolutions which attempted to adjust, with wise discrimination, the infelicities inherent in any lot-drawing scheme for colonial settlement — such are the details that make up the minutes of the meetings of the Ohio Company administrators.

For the proper celebration of one Fourth of July the Ohio Company furnished the "County Militia" with a "half a pint of whiskey per man." The Company took steps to have stagnant waters within the settlement drained off by free lease of lands so drained. The Company paid one-half the expense of digging a well in Campus Martius. Persons leasing land at the foot of Harmar Hill were ordered by the Company not to obstruct the public from quarrying stone or using the spring under the hill. A director of the Company was at one time ordered to make inquiry concerning the sick or others in need of relief and advance such sums as he deemed necessary in each case. The Company took great care in leasing the public Squares of the city of Marietta, always compelling the lessees to ornament and beautify the same; in many cases the kind and number of trees to be planted are stipulated in the lease. A beautiful city like Marietta is not created at haphazard. Mulberry, honey locust, elm, evergreen, ash, weeping willow, maple trees were ordered to be planted. The Company refused to lease the land occupied by the famous Sacra Via and ordered General Putnam "to attend particularly to its preservation in its present form & seed it to Grass." The Company donated ground for a brick yard for the encouragement of that important industry; similar aid was given to the first brewery, the first tannery, first pottery, and first wharf. The first sale of brick recorded in Marietta shows that 125 bricks sold for forty-one cents. The Ohio Company felt all the liability of a modern employer, paying the expenses of a workman injured by a fall from a blockhouse on which he was at work. Runners were sent at the expense of the Company to warn Surveyor Ludlow of St. Clair's defeat and the consequent danger of the Surveyors. One representative action of the Directors of the Company was taken December 8, 1790, and, but for the Indian outbreak, would doubtless have proven of great benefit to the Company and many poor pioneers: the public securities belonging to the Company were ordered to be loaned to the United States and a part of the proceeds were to be loaned at six per cent "To the assisting such Worthy industrious Persons as wish, but are unable to remove to this Country." The resemblance of this scheme to the present Federal Land Bank is noteworthy. Others to whom this money could be loaned were those who had expended all their capital in migrating and those who were financially embarrassed in conducting any business "of Public Utility" as erecting mills, iron works, salt works, or other manufactory. Shares in Company stock were taken as security.

As an agent of good government, as a pioneer influence holding out its hand to the humble and the unfortunate, as the representative of the Government in time of horror and disaster, as an exponent of brotherhood, as the advocate of justice and righteousness and civic pride, the relationship of the Ohio Company of Associates to the first men and women of Ohio was uniquely unselfish and thoroughly American. No land Company in America can match its record as a public servant in laying the foundation of an American State. If the Hudson Bay Company ever earned the affectionate title "The Old Lady," the same soubriquet belongs to the Ohio Company; it was in truth the "Old Lady" of pioneer Ohio.

XIII

The capital stock of the Ohio Company, by the first Article of Agreement, was to be One Million Dollars in continental specie certificates and ten dollars in gold or silver, all of which (less one year's interest) was to be devoted to the purchase of land. That interest was to be expended on making a settlement and aiding those unable "to remove themselves." The gold and silver was to repay the outlay incurred by the officers of the Company in "purchasing the land" and to meet other contingent expenses. Holders of each twenty shares were to constitute a Grand Division; each Division was to appoint its own Agent, who acted as a sub-Treasurer and was accountable both to the members of his Division and to the Treasurer of the Company. No individual, as stated elsewhere, could hold more than five shares nor less than one share of stock, though one share might be taken out in a single name and be paid for by several individuals. The Agents of the

Company elected five Directors, a Treasurer, and a Secretary. The control of the business of the Company lay with the Directors who gave bond, jointly and severally, to each of the Agents for the proper expenditure of the funds. Votes could be taken in person or by proxy in proportion to stock held or interests represented.

These details were settled at the meeting of March 4, 1786. By March 8, 1787, two hundred and fifty shares were subscribed for, giving a capital of $250,000 in certificates and $2,500 in cash. At the meeting August 29, 1787, Dr. Cutler made his report agreeing to sign a contract with the United States Government for as much land "as the Company's Funds will pay for, should the subscriptions amount to one million Dollars . . . at One Dollar pr. Acre — from which price is to be deducted one third of a dollar for bad lands, & defraying the expenses of surveying etc." Five Hundred Thousand Dollars was to be paid when the contract was closed and an equal sum when the government had surveyed the exterior lines of the tract. On September 1 the Directors ordered the contract closed and first payment made. This was done October 27th following. At a meeting in November sixteen agents were "permitted to complete Subscriptions to the Numbers respectively affixed to their Names." These numbers totaled one thousand shares, as follows:

Putnam, 70; Barlow, 140; Corlis, 110; Tupper, 40; Dodge, 20; Kendall, 20; White, 20; Sproat, 50; Crary, 90; May, 31; Freeman, 25; Sargent, 146; Downer, 18; Cutler, 167; Jackson, 13; Varnum, 40. It was now voted that no shares could be subscribed for after January 1, 1788.

General Putnam's salary was fixed at forty dollars a month and expenses "from the time of his leaving home."

The tendency to interpret their instructions cautiously is now shown by the Directors in answering an application of several Agents for reimbursement for expenditures in "Attendance upon General Meetings" by suggesting that the proprietors of the Grand Divisions should make such reimbursement if they considered this proper. Another illustration of the cautious fidelity of the Directors appears in their instructions to the Treasurer formally in writing that the five per cent charged by him on the balance of the indents (coupons) due to the Agents "does not form a part of the Company's funds." The interest due the proprietors on their certificates which had accumulated previous to their being turned in as stock (of which the "indents" were the "coupons") formed a sum out of which the proprietors might pay the expenses of their Agents.

It was reported at a meeting on March 5, 1788, that one thousand shares "were taken up by the Agents" and the drawing by lot for the eight-acre lots was held on the day following in the Rhode Island State House at Providence.

At the meeting of March 7, 1788, the list of Agents was increased to seventeen; several agencies were merged and the name of Benjamin Tallmadge, later to play an important part in the Company, first appears; as does the name of Edward Harris. At the first meeting on the Muskingum (July 2, 1788) six hundred and sixty-nine shares were represented, and the name of Col. R. J. Meigs first appears as an Agent. It was then voted that no legislation by the Agents was valid unless five hundred shares were represented. It was ordered that all shares be paid to the Treasurer of the Company by June 1, 1789; and that all shares not then paid should be forfeited to the Company. On May 16, 1789, General Putnam and Dr. Cutler were authorized to take steps to remedy the low condition of the Company's affairs by enforcing a speedy payment of money due on shares; they were authorized to "dispose of such Shares to the best Advantage" which had not been paid for. About 850 shares had been subscribed for; 149 were about to be forfeited, and the arrears on others were considerable. It was now declared that the vote of any two Directors would be valid in any matter save when contrary to previous decisions of the directors. A report from Treasurer Platt made in October, 1789, showed there was then due from Agents

$\$292,032^{80}/_{90}$ in certificates, and $\$3,972^{50}/_{90}$ in Specie.[70] The contract with the United States provided that one-seventh of the purchase price might be paid in Military Bounty claims; deducting this amount ($\$142,857^{1}/_{7}$) the balance due in paper to the Treasurer of the United States at this time was $\$149,175^{67}/_{90}$. Lists of delinquent subscribers were called for in order that the pending division of the lands might be made only among "the real Proprietors." A system of quarterly statements by the Treasurer was ordered by the Directors in November, 1789.

General Putnam went East at this time, and, in conjunction with Dr. Cutler, attempted to close up accounts with delinquent subscribers and also with Treasurer Platt. Finding that the Secretary of the Treasury was proposing to sell the public lands at a much lower price than that which the Ohio Company contracted for, these Directors at once became interested in securing a compromise with the government which would give them the advantage of this reduced price. The reports of the Agents showed that out of a total of 842 shares to be accounted for by the Agents, 148 shares had not been paid for. These, by the vote of May 16, 1789, were to be disposed of by General Putnam and Dr. Cutler as they considered best for the Company. The books of the Treasurer showed a total credit in public securities of $\$718,764^{32}/_{90}$ and Army Warrants (87,400 acres) of $87,400; making a total of $\$806,164^{32}/_{90}$. Based on a capitalization of $842,000, the deficit of Agents was $\$35,835^{58}/_{90}$. Of this deficit, $\$14,438^{44}/_{90}$ was due from Parsons's Agency; $\$9,956^{32}/_{90}$ from Crary's; $\$7,308^{7}/_{90}$ from Cutler's and Dodge's, and the remainder scattering.

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[70] In Pennsylvania currency a pound was seven shillings six pence or ninety pence, which explains the fractions used.

The necessity that at this moment confronted the owners of the Scioto Option of providing lands for the French emigrants led to the offer of Duer and associates to purchase from Putnam and Cutler 148 forfeited shares now in their hands. The tract bargained for was 196,544 acres bordering the Ohio River below the mouth of the Great Kanawha and 148 house lots, 148 eight-acre lots, 148 three-acre lots, 148 one-hundred-and-sixty acre lots drawn against the names of the persons who had forfeited. The price offered was $10,368.00 together with a payment per acre equal to the amount the Ohio Company should eventually have to pay the United States. Of this amount $1,488.00 was to be in cash, one-half in sixty days and the remainder in ninety; the balance, $8,880.00, was to be paid in "Indents of Interest" in six months, for which notes were given. Normally these 148 shares would have brought into the treasury $16,280, at a cost exceeding (25,308 acres at $.66^{2}/_{3}$ per acre) that amount; the deal with Duer promised to net the

Company $10,368.00 over and above the ultimate cost of the tract. The negotiation was objected to by the "insurgent" faction in the Ohio Company on the ground of usurpation of power—not on the ground of its being detrimental to the Company. It is beside the question to object that Duer and friends were not solvent. Putnam and Cutler would not have dealt with parties known to be insolvent. The Duer failure was not precipitated until the following year.

In one important act (April 23d) Putnam and Cutler felt that they had exceeded their instructions; they then empowered Colonel Platt "to Dispose of so many of the Public Securities now in his hands . . . as will amount to the Interest on all the Securities which he has ren^{d} of the last moiety of the Company's funds . . . by negotiating the Same for specie and appropriating the proceeds to the use of the Company in Discharge of Orders which have or may be drawn upon him by the Directors." The sinking of the Company's credit (due to forfeiting of shares) and the need of cash for current expenses were the reasons given for this action; all of which was later duly approved by the directors.

On June 28, 1790, there was in the Treasurer's hands a balance of $12,166.29½. Evidently as a result of criticism of his actions jointly with Dr. Cutler in New York, General Putnam, on above date, offers a resolution to the effect that any director or directors specifically at fault for any misdirection of funds shall solely be held liable for the same. The Directors refused to pass the motion on the ground that such action contravened the Tenth Article of the Association. However, they satisfied General Putnam's point by agreeing that if it ever appeared that funds had been misapplied, discrimination should be made between the Directors concurring and those who did not. It was at this time pointed out that one great handicap under which the Company had worked had been the separation of the Treasurer of the Company (in New York) from the seat of the Colony. The office of sub-treasurer or Cashier was now created, to be filled by a person residing in the Colony; Col. J. R. Meigs was elected to fill this office June 29, 1790.

One feature of this office, a land-bank system, elsewhere mentioned, was unique. The sum of Two Thousand Dollars was transferred from New York to Marietta to be loaned to individuals needing the same. The separation of the Colony from many share-holders resulted in all the usual difficulties of absenteeism. It is plain that these evils were not anticipated as proven by the creation of the "Grand Divisions." It was expected that fifty Agents would represent the 1,000 shares. As it worked out, four or five Agents usually represented ninety per cent of the stock. Those who did not emigrate were the first to repudiate their obligations when the weather thickened. Those on the property and vitally concerned with the practical matters of making the settlement, met the unforeseen difficulties of the problem and were zealous that the Company first of all keep faith with those who were risking life and limb as well as purse in the venture. Those not on the property measured everything by the interest to accrue or final profit to be made, and they had the very human objection of expending any money on a plant that soon gave sign of producing but little or no revenue. The Rhode Island Contingent, represented by Varnum, Crary, and Corliss, formed an "insurgent" element that was disturbing at various times; the falling of Putnam and Cutler into the "snare" of Duer and his speculation group gave this element ground for trouble-making which the circumstances never warranted. It is an earmark of the "hard loser," in any venture, to impute the motives and honesty of the promoters. With the Ohio Company preëminently, as was true with most land speculations in our history, the men who migrated, who endured the suffering and privations, who gave themselves to the speculation, profited; those who only risked money and lay smug at home profited little if at all.

On December 8, 1790, the Agents ordered the Directors of the Company to lend all the Public Securities in his hands to the United States "on the pending System." The order proves how little was the Indian outbreak foreseen at that late date. Writers have glibly minimized the influence of that untoward event on the fortunes of the Ohio Company because only one serious raid occurred within the limits of its Purchase; had this "hindsight" of events been given miraculously to the men of Ohio at that date the course of events might have been greatly altered. The bloody war-club left beside the fourteen murdered pioneers at Big Bottom gave no particular assurance that a similar attack might not be expected at any point at any hour. If, twenty-one years later, a single hunter's gun fired at a squirrel on the Ohio Frontier of 1812 frightened three hundred people to rush into Canton, Ohio, to spend the night, it would seem excusable that the Ohio Company pioneers should have felt genuine terror after the Big Bottom holocaust of January, 1791.

The financial effect of the four years' war on the promotion side of the Company's business was ruinous. Other phases of Ohio Company financeering in this period are remarkable. With a treasury almost unable to pay running expenses in peaceful times the Company was suddenly called upon to raise, equip, pay, and sustain militia, build houses for refugees, erect fortifications, and provide arms and ammunition. The pay and rations of commissioned officers was made equal to that of officers of the regular army. Surgical instruments were purchased by the Company and held at the Secretary's office for the use of any surgeon in the Colony. These expenses were incurred in the belief "that upon a proper representation of the present Situation of these settlement the Government will reimburse the necessary expense we Shall be at in Defending ourselves." The three years, 1790-91-92, cost the Company $14,708.92, of which the Government repaid only $3,358.02; making the cash loss to the Company of $11,350.90.[71] But the loss through interruption of migration and lack of sales was too great to be estimated with any accuracy.

At a meeting of the Agents and Proprietors January 2, 1792, the directors were ordered to recover moneys due on notes given by the Scioto group on account of the failure of the Contract made with them, to secure a reduction in the price of lands named in the contract with the Government, and obtain a deed for the lands of the Company. On March 28th Robert Oliver and Benjamin Tallmadge were ordered to New York to secure the funds of the Company from Treasurer Platt, who succumbed with Duer in the series of failures of 1792, and deliver them to the Directors at Philadelphia; they were empowered to transact any business properly within the powers of Directors. Duer's failure cost the Ohio Company the amount of its recent contract with him; he also owed General Putnam $2,861.42. Colonel Platt's failure cost the Company $80,000. At a meeting of the Agents in Philadelphia April 11, 1792, a number of new names appear on the list including Caleb Strong and Elbridge Gerry (ninety-eight shares jointly), Benjamin Bourne and Dr. Oliphant (two hundred shares jointly), and Robert Underwood. The effort to close the bargain with the United States by means of a compromise settlement in order to receive a deed led to the following resolutions passed by the House of Representatives:

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[71] R. Buell, *Memoirs of Rufus Putnam*, 117.

> Monday March 26 1792
>
> The House resolved itself into a Committee of the Whole House on the report of the commee to whom was referred the petition of the Directors of the Ohio Co. of Associates; and, after some time spent therein, the Chairman reported that the Commee had had the said report under consideration and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:
>
> *Resolved*, That the title ought to be made to the Ohio Co. for as much of the lands in their contracts as they have actually paid for.
>
> *Resolved*, That, in addition to the above quantity of land, there be also granted to the said Ohio Co. 214,285 acres, being the proportion they were, by a resolve of Congress, authorized to pay in army rights, upon their delivering to the Secy. of the Treasury army rights sufficient

for the purpose; and that there be also granted to the said co., in addition to the before-mentioned tracts, 100,000 acres, to make good 1000 lots of 100 acres each, appropriated by the said co. as bounties to such as might become settlers within the said purchase, upon condition, nevertheless, that the said co. shall make good such bounties, as well to future settlers as to those already settled.

Resolved, That a title be made to the said co. for the remainder of the 1,500,000 acres contracted for, upon their paying into the Treasury of the United States a sum not exceeding —— cents per acre for the same, with interest from the passing an act for that purpose.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. Sedgwick, Mr. Findley, Mr. Benson, Mr. Learned and Mr. Baldwin so prepare and bring in the same.[72]

As a result of these resolutions the following act was passed:

An Act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates.

Be it enacted, &c., That a certain contract expressed in an indenture executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then Board of Treasury for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the Directors of the Ohio Company of Associates, of the other part, so far as the same respects the following described tract of land, that is to say:

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[72] *Annals of Congress*, iii, (March 26, 1792).

Beginning at a station where the western boundary line of the seventh range of townships (laid out by the authority of the United States in Congress assembled) intersects the river Ohio; thence extending along that river southwesterly to a place where the western boundary line of the fifteenth range of townships (when laid out agreeably to the land ordinance passed the twentieth day of May, one thousand seven hundred and eighty-five) would touch the said river; thence running northerly on the said western bounds of the said fifteenth range of townships, till a line drawn due east to the western boundary line of the said seventh range of townships will comprehend, with the other lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land in the said contract reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships; and thence along the said line to the place of beginning, be, and the same is hereby, confirmed; and that the President of the United States be, and he hereby is, authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, the said described tract of land, with the reservations in the said indenture expressed, in trust for the persons composing the said Ohio Company of Associates, according to their several rights and interests, and for their heirs and assigns, as tenants in common.

Sec. 2. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in trust, for the uses above expressed, one other tract of two hundred and fourteen thousand two hundred and eighty-five acres of land: *Provided*, That the said Rufus Putnam, Mannasseh Cutler, Robert Oliver and Griffin Green, or either of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued for Army bounty rights sufficient for that purpose, according to the provisions of a resolve of Congress of the twenty-third day of July, one thousand seven hundred and eighty-seven.

Sec. 3. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land: *Provided, always, nevertheless*, That the said grant of one hundred thousand acres shall be made on the express condition of becoming void for such part thereof as the said Company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person not less than eighteen years of age, being an actual settler at the time of such conveyance.

Sec. 4. *And be it further enacted*, That the said quantities of two hundred and fourteen thousand two hundred and eighty-five acres, anw of one hundred thousand acres, shall be located within the limits of the tract of one million five hundred thousand acres of land, described in the indenture aforesaid, and adjoining to the tract of land described in the first section of this act, and in such form as the President, in the letters patent, shall prescribe for that purpose.

Approved April 21, 1792."[73]

The details of dividing the lands of the Company among the proprietors (treated elsewhere) and reducing the other property to cash consume the minutes during the years 1792-1797. In the last years Benjamin Tallmadge acted as Treasurer of the Company. There appears to be no definite statement in the minutes as to the final distribution of lands and funds in a way to make it possible to estimate the actual profit to proprietors from their investment. At the time the compromise agreement with the Government was signed Eighty Thousand Dollars in the hands of the treasurer was declared a dividend; this amount was divided proportionately among the shareholders of the Company.

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[73] *Debates and Proceedings in the Congress of the United States*, etc., (Second Congress), Appendix, Cols. 1363, 1364.

A reading of the minutes must lead any candid person to feel that the financial record of the Ohio Company was exceptional. It is very true that its leaders were not fitted—except for the none-too-common quality of plain, homespun honesty—for the financial and political responsibilities necessary for handling so big a project. It can be objected that they should have foreseen some of the difficulties which proved a handicap, such as speculating, absentee "proprietors," the probable failure of many subscribers to make payments promised, and the serious objection of having the Colony and its Treasury so widely separated. The insurmountable handicaps to great success, the relatively poor tract of land taken up and the Indian War, were serious enough to have rendered large success impossible had no errors save those of divination been made. The Company had no real choice of lands. That its formation did materially hasten the Indian War is altogether probable, though its officers did all in their power to bring to successful issue the Treaty of Fort Harmar. The last chapter in the financial history of the Company is treated in connection with the handling of its land problems.

XIV

The system adopted by the Ohio Company for handling its lands was simple and just; there were originally to be six divisions: city lots, eight-acre lots, 116-acre lots, 320-acre lots, donaton lots, and 960-acre lots; all but the donation tracts were literally and technically "Divisions" — to be allotted to subscribers according to shares held up to the limit, five. In the working out of the system a vast quantity of difficulties were encountered due partly to natural inequalities of the land, partly to the demoralizing interruption of border war, and partly (as the result of war and lack of immigration) to the failure of subscribers to make payments and the consequent lack of funds. In 1796 the six divisions consisted of eight-acre, three-acre, 160-acre, 100-acre, 902-acre, and city lots. The whole story, given in detail in the following pages and only to be roughly sketched here, forms, however, a very pretty illustration of Yankee pluck and honesty working out, amid a host of difficulties, an approximately correct answer to a problem that often assumed the proportions of a riddle.

The fund to be raised by the Company was to be devoted to the purchase of land. This purchase having been made by Dr. Cutler, the first act of the Company was to designate a tract of 4,000 acres at the junction of the Ohio and the Muskingum for a "city & commons." Adjoining the city was laid out a tract of 1,000 lots of eight acres each; on the Ohio 1,000 lots of 116 acres each; in townships on navigable rivers 1,000 lots of 320 acres; in inland towns 1,000 lots of 992 acres. The city lots were to be 90 by 180; eight were reserved for public use. Lot No. 16 in each township was reserved for schools; lots 8, 11, and 26 for Congress; lot 29 for "purposes of religion"; two townships for a University. With considerable formality the eight-acre lots were drawn for at Providence, March 6, 1787. Action was taken early by the Directors requesting that the Company be allowed to purchase from the Government the portions of any "reserves" that fell within the city limits. The wisdom of the Company in this matter has been illustrated in the medley of difficulties that has followed the ignoring of their foresight. Several public buildings in Marietta stand on land for which no title exists but the quit claim deed of the State of Ohio.

Various compromises had to be made with the plan of surveys in order to effect the all-important matter of making the settlements compact and defensible. This was usually done by appropriating land set apart for commons. The commons annexed to the city of Marietta were laid out into 1,005 three-acre lots, five of which were reserved for public use. Difficulty was found in making proprietors clear the three-acre and city lots, which the safety of the settlement demanded. Others who cleared, fenced, and improved such lots could obtain a license to hold them free of rent until adequately rewarded for labor expended. Certain common lands were allowed to be cultivated as gardens for the term of ten years, on condition that they be fenced "with good post and rails," and that within three years two rows of trees be set out in each garden. Common lands were appropriated temporarily for the use of both Generals St. Clair and Harmar. Lands near Fort Harmar were set apart for the use of the United States as long as troops remained at that post. The important squares in the City were named and one (Mound Cemetery) presented to Queen Marie Antoinette, for whom the city was named Marietta.

It is impossible to determine how rapidly the Company proceeded with the survey of the outlying lands within its purchase. Within two months of his inauguration Governor St. Clair recommended that the surveys be temporarily suspended on account of Indian hostilities. But on October 24th (1788) the Directors ordered that the north line of the Fourth Range be surveyed for eighteen miles and a line run from that point South to the Ohio River. The exterior limits of the survey were soon ordered to be extended to the Fifth township in Range Eleven.

Near the close of this first year of settlement a very important innovation was determined upon with respect to the lands of the Company by the creation of Donation tracts, which were not comprehended in the original plan. This plan was adopted "to encourage Settlements in different parts of the Purchase in order to protect the inhabitants on the lands to be allotted to the proprietors." The Donation tracts were to be "not exceeding one hundred Acres out of each share in the Funds." These tracts were to be chosen by the Agents where they would be "most conducive to advance the general Interests of the Proprietors." Committees for the purpose made explorations in various directions and suggested that the first Donation tracts be allotted on Duck Creek, and at the mouth of Wolf Creek on both sides of the Muskingum (Waterford and Beverly). At a later day the region west of the Muskingum was explored. Some of the reports will be found to be very optimistic with "Lime Stone and Pit Coal as Plenty in the Company's Purchase as Silver was in the days of Solomon." In general the reports were accurate and reliable, as, for instance, the adverse report against laying out a town opposite the mouth of the Great Kanawha on account of the character of the land. The conditions for granting the Donation tracts are in some particulars not unlike the grants of "corn" and "cabin" rights in old Virginia but with notable additions: within five years a dwelling house twenty-four by eighteen, with a cellar ten by six and one-half and a chimney of brick or stone, was required to be built. Within three years fifty apple or pear trees and twenty peach trees had to be set out. Within five years fifteen acres for meadow and five acres for corn or other grain had to be cleared and planted. Each settler was to provide himself with arms and ammunition, obey the militia law of the county, and erect proper defenses. Expense of survey must be paid by the grantee. Proprietors had the first right to preëmpt the 200 Donation lots now created; if not living in person on the lot a proprietor could hold the same by keeping a "Warlike Christian Man" on the tract for five years and make the improvements called for. After a given date the tracts not taken by proprietors could be taken up by non-proprietors or "undertakers," thus creating a new type of settler within the Ohio Company Purchase. To provide the necessary security, donation tracts could be settled only by groups of settlers, twenty being the minimum. To guard against the evils of absenteeism, the Donation lands were divided into ten shares and the Proprietors into ten classes; in forming the classes, however, residents and nonresidents were intermingled. The division was made by drawing lot. In all cases sixteen and two-thirds acres out of every hundred were to be donated for highways if demanded.

Land grants to encourage the building of grist- and saw-mills on the Purchase were common. For instance Mile Square No. 13 and one-half of the adjacent Mile Square No. 14 in Third Township, Range Eight, were granted on condition that such mills be kept in good repair for five years, that the grantees place five inhabitants on the land who shall fulfill Donation Tract conditions above outlined. If Proprietors, these grantees were considered as settling five Donation Rights; they were to build places of defense and keep eight "effective men equipped as the law directs."

By November, 1789, the Directors were anticipating a plan for an "Ultimate Grand Division" of the lands of the Company—a cherished consummation long in being fulfilled. The development of the Donation Tract plan, and the long delay in getting a deed from the Government, militated against an early settlement of affairs; and, of course, the Indian War of 1791 postponed it indefinitely. At this time (as soon as the exploring committees had located enough Donation Tracts to satisfy all Proprietors) the plan was formed that a map of the whole Purchase should be prepared showing all the various classes of lots, the reserves and the town sites not to be allotted at this time. The Purchase was to be divided into forty equal Grand Divisions of twenty-five Shares each "as like in Quality as may be"; each Grand Division was divided into five subdivisions of five shares each and each of these, in turn, into five sections of single shares. Agents should then classify such of their subscribers who had not classed themselves "by Sections or single Shares, into Subdivisions of five, & Grand Divisions of twenty five" and proceed to draw lots for the lands by Grand Divisions, Subdivisions, and Sections. This plan was ordered published in the newspapers of New York and the New England States so that subscribers might have opportunity to class themselves — combine with acquaintances and friends — and inform their respective Agents or the Secretary of the Company of their choice before March 1, 1790, when it was proposed to make the drawing. It was then again postponed, and the sale of the 148 shares by Cutler and Putnam to the Duer group of speculators necessitated a reconsideration of all plans concerning Donation Tracts and Ultimate Divisions.

The reorganization of the methods of granting land was agreed to by the Agents and Proprietors June 30, 1790, in a resolution of nine articles of twenty sections. Unforfeited lands in the Eighth, Ninth, and Tenth Ranges taken out by Proprietors on the Donation system should not be held as donation lands but should form "a Division"; the owners of forfeited lots in that region were given nine months to procure a title "from any Proprietor in the Company who shall not have received his quota of this Division elsewhere";

the forfeited lots reverted to the Company. A tract of 57,622 acres set apart the preceding March as Donation land was found to be, in part, within the tract sold to Duer; the former action was repealed, and a new "Division" was created on the Ohio to include land as far as Township Four of Range Fourteen to be "Divided to Proprietors," excepting portions that might be put in the Donation division. The new arrangement involved the opening up of the Hockhocking River Valley where the remaining "Division" lands due the Proprietors on their shares was to be created. The University townships and sites for a village or villages were to be chosen by the surveyors. It was made allowable for Proprietors to associate themselves to settle this Division in compact form as though occupying a Donation Tract as a "Security against the Common Enemy"; in so doing they were called upon to fulfill all the Donation tract duties. As a protection against absenteeism it was ordered that no one could go in the name of a proprietor without showing legal power to do so. Those failing for twenty days to perform the military duties required, on testimony of a "Major part of his Colleagues," forfeited his land.

Mention has been made of the importance laid by the Company on preserving the natural resources of the Purchase. This is excellently illustrated in the case of the new Division on the

Hockhocking wherein "any Mill seats or Beds of Iron Ore, within the Mile Square" were reserved, the land thereabouts to be disposed of only on "Donation principles." The reorganization plan outlined a new or sixth "Division"—the 960-acre Division—which was to be divided into twenty-one "Grand Divisions" of forty shares each; proprietors who had paid in full their original assessment of hard money and certificates were permitted to class themselves "by 40 Shares in each Class" for the purpose of drawing one "Grand Division." No non-resident was permitted to classify in this division. The members of each were compelled to give bond to "Save the Directors harmless" in case any share was proven to be deficient; but lands held by any such share became the common property of the class making good the deficiency. To keep true the democratic principles established with the creation of the general Donation system, 640 acres in each township of this sixth division were to be appropriated as donation lands. All salt springs were reserved for the Company. Strict regulations were made in the reorganized plan to prevent "undertakers" from taking out Donation tracts purely for speculation. Those not having begun actual settlement in the time allowed were declared to have forfeited the land unless, in twenty days, a new application was made on the promise to begin settlement.

One or two entries in the records show an attempt to establish practically the old Virginia "head-rights system," as, for instance, the authorization of a contract with Samuel Simans for a tract not to exceed ten thousand acres on which he should seat pioneers on donation tract principles; the amount and the nature of his payment is not stated in the minutes.

The breaking out of the Indian War in January, 1791, upset to a large degree the land policy of the Company. Its attempt to make those who had taken free lands (Donation tracts) on condition that they serve as a wall of defense, was put now to the bitterest test; in general, permission was granted to abandon the outermost settlements; after the war permission to return was granted, provided such grantee had remained within the Purchase and contributed to its defense. Strong posts of refuge were created and manned; the cowards were quickly marked and failure to abide by the generous yet strict instructions of the Company resulted in the loss of title to lands. Everything that sympathy and loyalty could do was done by the Company for pioneers "driven in" by the enemy; financial aid was tendered; lands near fortified stations were granted rent free; buildings were erected, where necessary, for occupation by refugees. "Undertakers" who had not yet received Donation grants were promised such as the reward of assisting in the defense of the Purchase through the war. A plan to undertake the completion of the Company's agreement to survey the Purchase, made in December, 1790, was frustrated by the outbreak.

Upon the passage of the Act of Congress of April 21, 1792, by which an additional 314,285 acres came to the Ohio Company, a new era dawned in its history. The day of great dreams and projects had passed; the day of legal possession and certain knowledge of the extent of its possessions (in acreage) had arrived. It was possible now to work toward the goal—the "Ultinate Division." As the Government refused to permit the Company to purchase the original tract at a reduced figure the latter immediately and formally decided not to plan any further purchase. It is worthy of note that the Government never did receive for that portion of the Ohio Company Purchase forfeited by the Company the price demanded of that Company.[74] Of the above grant 214,285 acres were to be paid for in army warrants and to be handled by the Compand as its own; 100,000 were to be granted within five years "free of expense, in tracts of one hundred acres, to each male person not less than eighteen years of age, being an actual settler at the time." The Company therefore received eventually 1,064,000 acres, only 436,000 less than its original purchase of one and a half millions. The curtailment of the purchase made it at once necessary for numerous substitutions to be made, lands within the actual Purchase being substituted for those which had been drawn and now lay outside the constricted boundary line. Nine allotments were immediately made by the Directors on the Muskingum and Wolf Creek, embracing 17,000 acres, for occupation according to the terms required by Congress, known as Wiseman's Bottom, Limestone Hill (Rainbow), Bear Creek, Cat's Creek, Big Run, Waterford, West Branch of Wolf Creek, South Branch of Wolf Creek, North West of Wolf Creek Mills.

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[74] Other lands in Ohio were sold at more advantageous terms than those given the Ohio Company, running as low as 20 cents an acre.

In all the later drawings for lots the bona fide number of shares held by the Proprietors of the Company was reckoned as 817. Deficiencies in the number of eight-acre, three-acre, 160-acre, and house-lots were made up in other portions of the Purchase. The property of the Company, as tools, houses, furniture, etc., were sold to highest bidders for the same. A blockhouse, for instance, was sold to Washington County for a Court House; price $35. The blockhouses of the Campus Martius brought the Company $431 as follows: South West blockhouse to Ichabod Nye, $150; North West blockhouse to Charles Greene, $128; North East blockhouse to Col. William Stacy, $83; South East blockhouse to General

Rufus Putnam, $70. At the end of the year 1795 the forfeitures and deficiencies in the various classes of lots was as follows:

CLASS OF LOTS	DISTRIBUTED	FORFEITED	INCOMPLETE
Eight Acre	509	107	201
Three Acre	761		56
City Lots	377	69 not distributed	371
160 Acre	409	78	330
Fractional 8 Acre	51		171,682 Acres
Fractional City Lots	21		2,288 Acres
Fractional 160 Acre	19		1,206 Acres

Various methods to supply deficiencies were adopted, the land being taken in the unoccupied or forfeited regions within the purchase generally from "East to West." The additions were usually given the number of the lots of which they were the complement.

December 17, 1795, it was determined that in future drawings for eight acre, 160 acre, or Donation lots, the shares should be thrown into classes of twenty; these being subdivided into four parts the drawings should be made; if more than one person owned one of the "subclasses of five," the person owning the most should take the highest numbers. In case of equal ownership the owners could make any division of the shares they pleased, giving formal notice of the same to the Agents. Drawings to complete the City lots and three-acre lots were made December 31, 1795; that to complete the 160-acre lots January 1, 1796; that to complete the Donation or "Fifth division lots," January 6th. In the latter drawing it was made possible for Agents to draw lands in a body or otherwise, as they chose; but they were required to make "their election before the drawing commence." The last drawing to complete the division of Company lands was prepared on the basis of every twenty-two Proprietors drawing a complete township, less the five reserved lots, Township Four, Range Fifteen (which had been laid out) to serve as a model. The classes of twenty-two were divided into subclasses of two for the accommodation of those who had more than one share. It was decided that "where two Proprietors compose a Class the first name on the list shall uniformly take the lowest number, whether it respect Mile Lots, Township or Range." This drawing was made January 18 and 19. This completed the landed operation of the Ohio Company, except for minor resolutions concerning forfeited lots which should be scheduled and sold at auction by the Directors, and applications to Congress to be allowed to preëmpt the remainder of the original purchase, which came to naught.

Among the last acts of the Ohio Company was the appointment of a committee to lease the public squares and preserve the "great Mound . . .

so majestic a Monument of Antiquity"—until a Corporation, or some Board of Trustees "shall be duly appointed over the Affairs of this Town or Place." The amount to accrue from leases was "forever appropriated" to the education of indigent orphans.

Specific instructions were given the Superintendent to complete the survey of the lines of the Purchase according to the agreement made in 1787 with the Government.

In 1815 General Putnam advertised the "final" dividend of the Ohio Company of $3.75 per share to original shareholders but a final settlement in full seemed impossible of achievement. A long and sometimes querulous correspondence was conducted between General Putnam, Superintendent, and Benjamin Tallmadge, Treasurer, from 1796 to 1815. One of these letters brings out an extraordinary fact: Mr. Tallmadge demanded a fee for services of $3,268.00; General Putnam, denying the propriety of the claim, states that the sum comes to within One Hundred Dollars of equalling the total amount he had ever received for a quarter of a century of devoted service as Superintendent, Director, surveyor, and general manager.[75]

In May, 1831, Nahum Ward, who had bought up 152 shares of the Company, and was special attorney representing sixty-five more, issued a call at Marietta for a meeting of the “Proprietors” at the Exchange Coffee House, Boston, on the 3d of the ensuing July. The meeting was held July 5, Temple Cutler of Lynn being chairman and John Skinner, secretary.

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[75] The Dawes "Manasseh Cutler Collection," *General Collection*, 132.

A majority of shares not being represented the meeting was adjourned. The assets of the Company at the time consisted of $17,200 Loan Office Certificates issued by order of Congress December 23, 1777, bearing interest at six per cent, and 6,400 acres belonging to the shareholders in common. A meeting was held at Marietta November 10, 1831, Temple Cutler acting as chairman and Wm. A. Whittlesey as secretary. The following shares were represented:

Hon. Levi Barber	8
Col. Joseph Barker	9
Nahum Ward	230
Ephraim Cutler	18
Temple Cutler	44
Wm. Skinner	10
William A. Whittlesey . . .	1
	320

Temple Cutler, Nahum Ward, and Joseph Barker were appointed a committee to make a report on the “unsettled affairs of the ‘Ohio Company.’”

A majority of shares not being represented, adjournment was taken to the following Wednesday. On November 15, 1831, Temple Cutler, L.

Barber, Ephraim Cutler, Nahum Ward, and Joseph Barker made a lengthy report reviewing the affairs of the Company since 1796. This report states that the value of the Loan Office Certificates was $17,415 and implies confidence in their validity. It is also stated that about 13,000 acres of land remains undivided to the shareholders. The shareholders are urged to be present at a meeting called at Marietta on the first Wednesday in May, 1832. Utmost credit is given Nahum Ward for his "indefatigable exertions and unwearied attention" to the task of bringing the Company's affairs to a close. Mr. Ward eventually bought up the claim on the Government of the Loan Office Certificates and instituted a suit for recovery; the suit, continued by his son, received an adverse decision from the Supreme Court in 1870.[76]

XIV

As early as 1783 General Putnam advocated in his letter to Washington reservations of land in the proposed territory for education and religion. The terms of the Ohio Company contract with the Government called for a lot of 640 acres in each township to be reserved for each of these purposes. Two townships in the center of the Purchase were set apart for a University.

At one of the early meetings of the Company

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[76] *Wallace Reports*, x, 593.

(March 7, 1787) a committee was appointed to provide a suitable person as a teacher who should promote religious and educational training. A public subscription was called for to cover the expense involved and the Rev. Daniel Story was engaged. Throughout the early period, however, the Company largely bore the expenses of such teachers and clergy as served the frontier settlements until the close of the Indian War. The founding of Muskingum Academy, the first classical school in the Territory, the establishment of Ohio University and the various schools of advanced character in Marietta which developed into Marietta College forms an interesting chapter of Ohio's history and will, it is planned, be dealt with at length in a separate volume of these *Collections*.

A. B. H.

(The records of the Ohio Company were kept by the various secretaries in large, sheep-bound volumes. They remained in the possession of the Putnam family and were presented to Marietta College by General Putnam's son, William R. Putnam, Esq.)

THE RECORDS OF THE ORIGINAL PROCEEDINGS OF THE OHIO COMPANY

Origin of the Ohio Company

On the twenty-fifth day of January One thousand seven hundred and eighty-six, appeared in the Public Prints[1] a Piece styled Information with the Signature of the Generals Putnam[2] & Tupper[3] of the late American Army and in Substance as follows Verbatim. — viz. —

INFORMATION. —

Information.

The Subscribers take this method to inform all Officers and Soldiers who have served in the late War, and who are by an Ordinance of the Honourable Congress to receive certain tracts of land in the Ohio Country; and also all other good Citizens who wish to become adventurers in that delightful region; that from personal inspection, together with other incontested evidences, they are fully satisfied that the Lands in that quarter, are of a much better quality than any other known to New England people — that the Climate, seasons, produce &c. are in fact equal to the most flattering accounts which have ever been published of them — that being determined to become purchasers, and to prosecute a settlement in this Country — and desirous of forming a general association with those who entertain the same ideas — they beg leave to propose the following plan, viz^t: —

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[1] The document may be found in the *Massachusetts Centinel*, (Boston) Jan. 25, 1786, the *Independent Chronicle*, (Boston) Feb. 2, 1786, and *Massachusetts Spy*, (Worcester) Jan. 19, 1786.

[2] Rufus Putnam (1738-1824) education neglected; millwright's apprentice, 1754; private, Old French War, 1757-1759; ensign, 1760; millwright, 1761; deputy surveyor, Lyman's grant, West Florida, 1773; lieut.-col. Brewers Mass. reg., 1776; lieut.-col. twenty-second cont. infan., 1776; col. engineers, 1776; col. fifth Mass. reg., 1776; brig.-gen., 1783; society of the Cincinnati; American Union Lodge; surveyor of Maine lands for Mass., 1785; justice of peace, Worcester Co., Mass., 1786; Mass. gen. assem., 1786; superintendent Ohio Company, 1787; terr. judge, 1790; brig.-gen. U. S. Army, 1792; conducted treaty at Vincennes, 1792; surveyor-gen. U. S., 1796; trustee Ohio Univ., 1801; mem. Ohio const. conv., 1802; hon. mem. N. Y. Hist. Soc., 1814; owned five shares in the Ohio Co.

[3] Benjamin Tupper (1738-1792) common school education; corporal, Old French War, 1757; sergeant, 1759; major, Fellows

That an association by the name of the Ohio Company, be formed of all such as wish to become purchasers, &c in that Country (who reside in the Commonwealth of Massachusetts only, or to extend to the Inhabitants of other States, as shall be agreed on.) —

That in Order to bring such a Company into existence, the Subscribers propose, that all persons who wish to promote the Scheme should meet within their respective Counties (except in two Instances hereafter mentioned) at ten oClock A. M. on Wednesday the 15th day of February next. — and that each County, on meeting, there assembled chuse a delegate or delegates, to meet

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Mass. infan., 1775; col. cont. infan., 1776; col., 1777; inspector, 1778; brevet brig.-gen., 1783; surveyor, "Seven Ranges," 1786; judge court common pleas, Wash. Co., O., 1788; invention of screw propeller attributed to him; society of the Cincinnati; American Union Lodge; owned four shares in the Ohio Co.

at the Bunch of Grapes Tavern in Boston,[4] on Wednesday the first day of March next at ten o'Clock A. M. then and there to Consider and determine upon a general Plan of Association for said Company—which plan, covenant, or agreement being published, every person (under condition therein to be provided) may by Subscribing his Name, become a Member of the Company.—

To carry these proposals into effect, the subscribers request, that all persons disposed as aforesaid, will meet on the said 15th day of February for the purpose of chusing delegates as aforesaid, at the places hereafter mentioned, viz^{t}.—

Those of suffolk County at the Bunch of Grapes Tavern, in Boston,—Essex at Capt. Webbs in Salem[5]—Middlesex, at Bradishe's, in Cambridge[6]—Hampshire, at Pomeroys in North Hampton[7]—Plymouth at Bartlets in Plym^{o}—Barnstable Dukes & Nantuckett Counties, at Houlands, in Barnstable.—Bristol at Crockers in Taunton.[8]—

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[4] A popular ordinary at the corner of State and Kilby streets established probably in the first years of the eighteenth century "noted for the best punch house in Boston"—Justin Winsor, (ed.) *Memorial History of Boston*, 11, xiv, 500.

[5] Benjamin Webb's tavern at Salem.

[6] The "Blue Anchor" Tavern at Cambridge, kept by the son of Ebenezer Bradish, 1785 to 1796.—Page, *History of Cambridge*, 225.

[7] Asaliel Pomeroy's tavern at Northampton.—Trumbull, *History of Northampton*, ii, 550, where an account of this meeting of the "Ohio Adventurers" is given.

[8] Josiah Crocker's tavern at Taunton stood on the north side of the city square until about 1817.—Emery's *History of Taunton*, 608.

York at Woodbridge's in York.[9]—Worster at Patch's in Woster.[10]—Cumberland and Lincoln, at Shattuck's in Falmouth.[11]—Berkshire, at Dibble's in Lenox—

Rutland Jan^{y} 10th 1786 Rufus Putnam
Benj^{a}. Tupper

Proceedings of the first General Convention at Boston Commonwealth Mass^{etts}

In consequence of the foregoing—On the first Day of March One thousand and seven hundred & Eighty Six Convened at the Bunch of Grapes Tavern in Boston as Delegates from several of the Counties of the Commonwealth of Massachusetts to consider of the Expediency of forming an Association, or company to purchase lands and make a settlement in the Western Country, the Gentlemen whose names are underwritten.—

County of Suffolk	Winthrop Sargent[12] John Mills[13]	Plymouth	Crocker Sampson[16]
County of Essex	Menassah Cutler	Worcester	Rufus Putnam
County of Middlesex	John Brooke[14] Thomas Cushing[15]	Berkshire	John Patterson[17]
County of Hampshire	Benj^{a} Tupper		
Berkshire	Jahlaliel Woodbridge[18]		
Barnstable	Abraham Williams[19]		

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[9] Tavern kept by Paul D. Woodbridge at York.—Woodbridge *Geneaology*, 45.

[10] Nathan Patch's tavern at Worcester, built in 1785, was first known as the "United States Arms;" it is the present "Exchange Hotel" on Main street, Worcester.

[11] Moses Shattuck's tavern at Portland, Me. (formerly Falmouth).—Goold's *Portland in the Past*, 366.

[12] Winthrop Sargent (1753-1820); Harvard, 1771; capt. of artillery rank of major, 1775-1783; brevet maj., 1783; secretary adj.-gen. U. S. Army, 1791; gov. Mississippi territory, 1798; so-

Elected General Rufus Putnam Chairman of the Convention and Maj. Winthrop Sargent Clerk —From the very pleasing Description of the Western Country given by Generals Putnam & Tupper and others it appearing expedient to form a settlement there, a Motion was made for chusing a Committee to prepare the Draught or Plan of an association into a Company to the said Purpose, for the Inspection and Approbation of this Convention—Resolved in the affirmative.—Also Resolved that this Committee shall consist of five.—

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ciety of the Cincinnati; American Union Lodge; owned four shares in Ohio Co.

[13] John Mills (-1796); ensign Whitcomb's Mass. reg., 1775; sixth cont. infan., 1776; second lieut. first Mass., 1777; first lieut., 1777; capt., 1779; Jackson's reg., 1783; capt. second U. S. infan., 1791; second sub Legion, 1792; major, 1793; adj. and inspector, 1794-1796; society of the Cincinnati; owned one share in Ohio Co.

[14] John Brooke (1752-1825); common school; surgeon and capt. Mass. minute men, 1775; maj. nineteenth cont. infan., 1776; lieut.-col. eighth Mass., 1776; lieut.-col. commandant seventh Mass., 1778-1783; brig.-gen. U. S. army, 1792-96; adj.-gen. Mass., 1812-15; gov. of Mass., 1816-22; LL.D. Harvard; Pres. Mass. society of the Cincinnati.

[15] Thomas Cushing (-1822); rose from sergeant sixth cont. inf, 1776, to capt., 1783; capt. second U. S. inf., 1791; lieut.-col. second U. S. inf., 1802; col., 1805; brig.-gen. U. S. army, 1812; U. S. collector New London, Conn., 1815-22; owned one share in Ohio Co. in partnership.

[16] Crocker Sampson, (-1823), quartermaster fourteenth Mass., 1777; ensign, 1778; first lieut. seventh Mass., 1780-83.

[17] John Patterson, (-1808), col. Mass. regiment, 1775; col. fifteenth cont. inf., 1776; brig.-gen., 1777; brevet-maj.-gen., 1783.

[18] Jahleel Woodbridge, (1738-1796); son-in-law President Edwards; judge of probate, Stockbridge, Mass., 1789-1795; Mass. State Senate.

[19] Abraham Williams, ensign Brewer's Mass. regiment, 1775; first lieut., 1777; capt., 1779; society of the Cincinnati; owned one share in Ohio Co.

General Putnam Mr. Cutler—Colº Brooks, Major Sargent & Capt. Cushing[20] were elected.—

Adjourned to half after 3 o'clock Thursday.—

Thursday 2d March—Convened agreably to adjournment at the Bunch of Grapes Tavern—& further adjourned till tomorrow morng half past 8 o'clock—then to meet at Bracketts Sign of Oliver Cromwell in School Street.[21]—

Friday 3d March met agreeably to adjournment and the Committee for Preparing a draught or Plan of association Reported that they had gone through the Business, and layd their Proceedings before the Convention, in form following—

[Articles of Agreement] Articles of agreement entered into by the Subscribers, for constituting an association, by the name of the Ohio Company.

The design of this association is to raise a fund in Continental Certificates, for the sole purpose, and to be appropriated to the entire use of purchasing Lands in the Western territory (belonging to the United States) for the benefit of the Company and to promote a settlement in that Country.—

Article 1st That the fund shall not exceed One Million of Dollars, in Continental Specie Certificates, exclusive of One years Interest due thereon (except as

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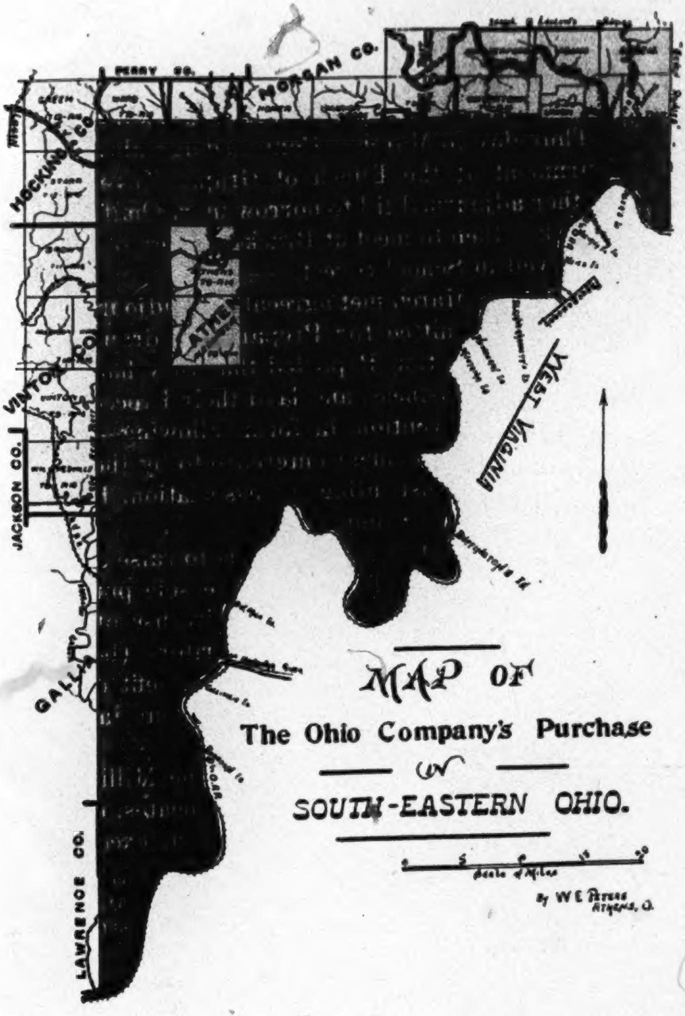
[20] Nathaniel Cushing, (1753-1814), first lieut. Brewer's regiment, 1775; capt. first Mass. regiment., 1777; brigade-maj., 1781; brevet-maj., 1783; capt. territorial militia, 1788; commanded Farmer's Castle, 1793; col., 1797; society of the Cincinnati; owned one share in Ohio Co.

[21] A famous tavern below City Hall on School Street where Washington lodged in 1756.—J. Winsor, (ed.), *Memorial History of Boston*, 11, xxxiv.



PERRY CO.
MORGAN CO.
HOCKING CO.
VINTON CO.
JACKSON CO.
GALLIA CO.
LAWRENCE CO.
ATHENS
WEST VIRGINIA
0 5 10 15 20
Scale of Miles

MAP OF

The Ohio Company's Purchase

IN

SOUTH-EASTERN OHIO.

By W E Peters
Athens, O.

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hereafter provided) and that each share or subscription shall consist of One thousand Dollars as aforesaid, and also ten Dollars in gold or silver, to be paid into the hands of such agents as the Subscribers may elect.—

Article 2d

That whole fund of Certificates raised by this Association, except, One years Interest due thereon, mentioned under the first article, shall be apply'd to the purchase of Lands in some one of the proposed States, north westerly of the River Ohio,[22] as soon as those lands are surveyed, and exposed for Sale by the Commissioners of Congress, according to the Ordinance of that Honourable Body, passed 20th May, 1785, or on any other plan that may be adopted by Congress not less advantageous to the Company. The One years interest shall be applied to the purpose of making a settlement in the Country, and assisting those who may be otherwise unable to remove themselves thither: The Gold and Silver is for defraying the expenses of those persons employed as Agents in purchasing the land and other contingent Charges that may arise in the prosecution of the business: The surplus (if any) to be appropriated as the One year's interest on the Certificates.—

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[22] The reference is to Jefferson's plan to divide the west into States by lines of latitude two degrees apart, intersected by two meridians of longitude to be drawn through the mouth of the Great Kanawha and the "Falls" of the Ohio at Louisville; the States were to be given the following fanciful names: Sylvania, Michigania, Chersonesus, Assenisipia, Metropotamia, Illinoia, Saratoga, Washington, Polypotamia, and Pelisipia. The state of Washington was to extend from the western boundary of the Seven Ranges to a meridian drawn from the mouth of the Great Kanawha river.

Article 3d That there shall be five directors, a treasurer and Secretary, appointed in manner, and for the purposes, hereafter provided.—

Article 4th That the prosecution of the Company's designs may be the least expensive, and at the same time the Subscribers and agents as secure as possible; the proprietors of twenty shares shall constitute one grand division of the company; appoint their agent, and in case of vacancy by death, resignation, or otherways, shall fill it up as immediately as can be.—

Article 5th That the agent shall make himself accountable to each subscriber for certificates and monies received by duplicate receipts (one of which shall be lodged with the secretary) *that* the whole shall be appropriated according to those articles of association, and that the subscriber shall receive his just dividend as to quantity and quality of Lands purchased, as near as possibly may be, by lot drawn in person, or through proxy, and that deeds of conveyance shall be executed to individual subscribers, by the agents, similar to those he shall receive from the directors.—

Article 6th That no person shall be permitted to hold more than five shares in the companies funds, and no subscription for less than a full share will be admitted; but this is not meant to prevent those who cannot, or chuse not to adventure a full share from associating amongst themselves, and by one of their number subscribing the sum required.—

Article 7th That the directors shall have the sole disposal of the company's fund, for the purposes before mentioned: that they shall by themselves or such person or persons as they may think proper to intrust with the business, purchase lands for the benefit of the company, where, and in such way, either at publick or private sale, as they shall judge will be most advantageous to the company; they shall also direct the application of the one year's interest, and Gold and Silver mentioned in the first article, to the purposes mentioned under the 2d article, in such way and manner as they shall think proper; for those purposes the directors shall draw on the treasurer from time to time, making themselves accountable for the application of the monies agreeably to this association.—

Article 8th That the agents being accountable to the Subscribers for their respective divisions shall appoint the directors, treasurer, and Secretary, and fill up all the vacancies that may happen in these offices respectively.—

Article 9th That the Agents shall pay all the certificates and monies received from subscribers into the hands of the Treasurer, who shall give bonds to the Agents, jointly and severally for the faithful discharge of his trust, and also, his receiving certificates, or monies from any particular agent, shall make himself acountable therefor, according to the condition of his bonds.—

Article 10th That the directors shall give bonds jointly and severally to each of the Agents, condition'd that the Certificates and monies they shall draw out of the Treasury shall be applied for the purposes stipulated in these articles, and that the lands purchased for the company, shall be divided among them within three months of the completion of the purchase, by lot, in such manner as the Agents or a majority of them shall agree, and that on such divisions being made, the directors shall execute deeds to the Agents respectively for the proportions which fall to their divisions, correspondent to those the directors may receive from the commissioners of Congress.—

Article 11th Provided also, that whereas a sufficient number of Subscribers may not appear to raise the fund to the sums proposed in the first Article, and thereby the number of divisions may not be compleated; it therefore agreed, that the agents of divisions of twenty shares each, shall after the 17th day of October next, proceed in the same manner as if the whole fund proposed had been raised.—

Article 12th Provided also, that whereas it will be for the common interest of the company to obtain an Ordinance of Incorporation from the honourable the Congress, or an act of Incorporation from some one of the States in the Union (for which the directors shall make application.) it is therefore agreed, that in case such incorporation is obtained, the fund of the company (and consequently the shares and divisions thereof) may be extended to any sum, for which provision shall be made in said ordinance or act of incorporation; anything in this association to the contrary notwithstanding.—[22]

Article 13th That all votes under this association may be given in person or by proxy, and in number justly proportionate to the stock holden, or interest represented, which being read, the meeting resolved to postpone acting upon them until tomorrow 3 o'clock, to which time they adjourn'd.—

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[22] It is to be noted that, although Article 2 suggests the purchase is to be made from the United States, Article 12 shows that a purchase from an individual State was always an open alternative.

Saturday 4th March Convened at Brackett's agreeably to the adjournment of yesterday—& considered, & approved & accepted the Articles of Association &c. as proposed and reported by the Committee.—

Resolved that there be a Committee of three appointed who shall transact the necessary Business of the Company until the Directors are chosen—They are to open a Correspondence with any Gentlemen whom they think likely to encourage the Company's Designs, & forward the completion of the Funds proposed in such way and manner as they shall judge best calculated to effect the same; they shall notify the place for the Agents to meet at for the purpose of chusing Directors &c. on the 17th Day of October next or as much sooner as they may suppose necessary for the Interest of the Company.—

They shall also held communications & receive reports as often as conveniently can be, from those Gentlemen collecting Subscriptions.—

Resolved, That Col° Brooks, Major Sargent and Capt. John Mills constitute this Committee.—Col° Brooks requesting to be excused, Col° Hull[24] was appointed in his room—

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[24] William Hull, (1753-1825), Yale, 1772; capt. seventh Conn., 1775; maj. eighth Mass., 1777; lieut.-col. third Mass., 1779; Jackson's cont. reg., 1784; gov. Territory of Michigan, 1805-1812; brig.-gen. U. S. army, 1812; cashiered, 1812; society of the Cincinnati; American Union Lodge.

On motion, resolved that this Convention be adjourn'd—Sine Die—

Second General meeting of the Ohio Company

Boston 8th March 1787—Brackets Tavern

At a Meeting of the Ohio Company, called this 8th of March 1787 by special advertisement—it appearing that Two hundred & fifty Shares in the Company's Funds were subscribed for, & that there are at this Time in the Commonwealth of Massachusetts, Connecticut, Rhode-Island & New Hampshire *many* inclined to become Adventurers who are restrained *only* by the Uncertainty of obtaining a sufficient Tract of Country collectively, for a great Settlement.—

It was unanimously

Appointment of Directors

Resolved, that three Directors should be appointed for the Company, & that it shall be their Duty immediately to make application to the Honble Congress for a private purchase of Lands & under such descriptions as they shall deem adequate to the purposes of the Company.—

General Samuel H. Parsons,[25] Rufus Putnam & the Revd Manassah Cutler were unanimously chosen.—

Appointment of Secretary

Resolved. That a Secretary be appointed. Major W. Sargent was unanimously chosen.—

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[25] Samuel Holden Parsons, (1737-1789); Harvard, 1756; gen. assemb. of Conn., 1762; com. of correspondence, 1773; maj. militia, 1770; col., 1776; brig.-gen., 1776; maj.-gen., 1780; com. Conn. State troops, 1781; Indian commis., treaty of Fort Finney, 1786; judge N. W. Territory, 1787; society of the Cincinnati; American Union Lodge; owned two shares in Ohio Co. personally and three in partnership.

Resolved, That the Secretary shall have liberty in any of his Absences to appoint a Deputy.—

Resolved, That the Election of a Treasurer & the Completing of the number of Directors be postponed until the Next Meeting.—

Adjourned Sine Die—

Boston 29th August 1787—

Third general meeting of the Ohio Company

At a Meeting of the Directors & Agents of the Ohio Company, held at the Bunch of Grapes Tavern in Boston, the following Report was received from the Revd Manassah Cutler.

That in consequence of resolves of Congress, of the 23d & 27th July last, he agreed on the conditions of a Contract, with the Board of Treasury of the United States, for a particular tract of Land, containing in the whole as much as the Company's Funds will pay for, should the subscriptions amount to one million of Dollars, agreably to the Articles of association, at One Dollar pr Acre;—from which price is to be deducted one third of a dollar for bad lands, & defraying the expenses of surveying &c. &c.

Report from Mr. Cutler of a contract made wth Congress for a certain Tract of land in the Federal Territory

That this Land be bounded on the East, by the western boundary of the seventh range of townships; south, by the Ohio; west by a meridian line drawn thro the western Cape of the great Kanhawa-River, & extending so far north, that a due east & west line from the Seventh range of townships to the said meridian line, shall include the whole.

This tract to be extended so far Northerly, as to comprehend within its limits, exclusively of the above purchase, One lot of six hundred & forty Acres, in each township, for the purposes of religion;—an equal quantity for the support of Schools & two townships, of twenty three thousand & forty acres each, for an University, to be as near the centre of the whole tract, as may be; which lots & townships are given by Congress & appropriated for the above uses forever: Also three lots of six hundred & forty Acres each, in every Township, reserved for the future disposition of Congress; & the bounty lands of the military associators, to be comprised within the whole tract: provided they do not exceed one seventh part thereof.[26]

That five hundred thousand Dollars be paid to the Board of Treasury upon closing the contract.—

In consideration of which, a right of entry and occupancy for a Quantity of Land equal to this sum, at the price stipulated, be given—and that as soon as the Geographer, or some proper Officer of the United States, shall have surveyed and ascertained the quantity of the whole, the sum of Five hundred Thousand Dollars more be paid amounting in the total to One Million of dollars, for which the Company are to be put in the possession of the other moiety of the lands above described, and receive a deed of the Whole from the said Board of Treasury.—

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[26] The dual character of share-holding in the Ohio Co. was one of its unique features. The "adventurers" forming it received land in proportion to shares held and additional land on bounty warrants if they had such. But only one-seventh of the entire purchase could be taken out as bounty land. Provision was made later (Nov. 10) permitting "military associates" to make part payment for shares with bounty claims on the ratio of an acre to a dollar.

Ratification of the Contract by the Agents

Whereupon Resolved, That the above report be received, and the proceedings of M^r Cutler be fully approved, ratified and confirmed.—

Adjourned till toMorrow morning, eight o'clock, to convene at M^r Brackett's Tavern.—

August 30th—Met according to adjournment, and continued until the first of Sep^r during which time, the following resolutions were agreed to.—

Lands appropriated for a City and Commons

That five thousand seven hundred and sixty acres of Land, near the confluence of the Muskingum and Ohio Rivers, be reserved for a City & Commons.—

Form of the City

That within the said Tract and in the most eligible situation there be appropriated for a City, sixty squares of three hundred & sixty feet by three hundred & sixty feet each, in an oblong form, of ten squares in front and six in depth, with streets of one hundred feet in width through each range.—

Reservation for Public Uses

Dimensions of House Lots

That four of said squares, be reserved for public uses, and the remaining fifty six divided into house Lots. That each square contain twelve house lots of sixty feet front and One hundred feet depth, and Six Lots of Fifty three and three tenths feet, by One hundred & eighty feet amounting in the total to One Thousand & eight lots.

And that this plan be pursued as nearly as the situation of the Ground will admit; and when the same is completed a plan thereof, with the lots numbered thereon be transmitted to the Secretary,

Plan of the City Lots to be lodged with the Secretary that they may be drawn for by the proprietors

who shall notify a Meeting of the Agents for the purpose of drawing the said City lots — one of which shall be annexed to, and become a part of each proprietary share. That contiguous to, and in the vicinity of the above tract there be laid off one Thousand Lots of Sixty-four acres each, as equal as possible in quality and Situation one of which as the city lots, shall be considered a part of each proprietary share, and drawn for in the same manner; and that a complete survey and return of these lots be made by the 1st of March next, to the Secretary's Office. —

1000-64 acre Lots to be Surveyed and a plan thereof lodged with the Secretary that they may be drawn for by the Proprietors

That for the reception and protection of settlers, one hund houses, of thirty six by sixteen feet, be erected, in the course of the ensuing Autumn & Winter, on three sides of the before mentioned oblong square, and connected by a Stockade. —

Building of houses

That, in order to carry into execution the above purposes, it is absolutely necessary that the subscribers pay into the hands of their several Agents the monies subscribed, that the same may be paid into the hands of the Treasurer by the 4th. of October next; which payment the agents are to make to the Treasurer accordingly. —

Order for Payment to the Treasurer

That as saw-mills and corn mills will be necessary, in forwarding the settlement, proposals from any of the subscribers for erecting one or more of each kind, without expense to the proprietors, will be received by either of the Directors, the Treasurer, or at the Secretary's office; and such proposals will be decided upon, as soon as may be, after the completion of the contract with the Treasury Board. — *And,* —

Building of Mills

That the manner of removing the first settlers, and superintending their operations, will be agreed on as soon as practicable.

Appointment of a Director and Treasurer

Resolved, That General James M. Varnum[27] be one of the Directors of the Ohio Company, and that Col^{o} Richard Platt[28] be the Treasurer.—

Adjourned Sine Die.—

Boston Sep^{r} 1st 1787

Directors meeting

At a Meeting of the Directors of the Ohio Company at Mr. Brackett's Tavern—The members General Putnam, Rev^{d} Menassah Cutler & General Vernam.

Order for closing the Contract with the Board of Treasury

Resolved that the Rev^{d} Mr. Menassah Cutler & Major Winthrop Sargent, they & each of them be authorised & empower'd to complete the contract made by them with the Treasury Board of the United States.

Order for Payment of 500,000 Dollars to the Board Treasury

Ordered that the Treasurer of the Company pay into the Treasury Board of the United States the sum of Five hundred Thousand Dollars, Purchase Money, upon the Application of the Rev^{d} M^{r} Menassah Cutler & Major Sargent or either of them.—

Order for Payment of 70 Mexican

It is further Ordered, that the Treasurer pay unto the said Menassah Cutler & Winthrop Sar-

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[27] James Mitchell Varnum, (1749-1789); Rhode Island College, 1769; admit. bar, 1769; mem. Kentish guards, 1774; col. Rhode Island reg., 1775; col. ninth cont. infan., 1776; brig.-gen., 1777; mem. cont. cong., 1780; judge, N. W. Terr., 1788; society of the Cincinnati; owned one share in Ohio Co. in partnership.

[28] Richard Platt, (1754-1830); common school education; second lieut. first N. Y. reg., 1775; capt., 1776; brig.-maj., 1776; maj. and aide-de-camp, 1776-1783; quar. master gen., 1780; col., 1783; com.-gen. N. Y., 1812; paymaster U. S. army, 1817-1820.

Dollars to Mr Cutler or W. Sargent

gent or to either of them upon his or their application Seventy Mexican Dollars for which sum he or they are to account.

Adjourned Sine Die

Directors Bonds

At this Meeting of the Directors of the Ohio Company Sepr 21th 1787—The Generals Rufus Putnam & James M. Varnum, & the Revd M. Menassah Cutler Jointly & Severally executed Bonds to each of the Agents in the sum of Twenty Thousand Pounds for the faithful discharge of their duty agreeably to the 10th article of the Association of the Association of the Company, which Bonds were lodged with the Secretary.—

Adjourned Sine Die

Treasurer's Bond

New York October the twenty seventh, one thousand seven hundred & eighty seven, Richard Platt Esquire Treasurer of the Ohio Company executed a Bond in the sum of Twenty Thousand Pounds, at six shillings The Mexican Dollar, for the Faithful Discharge of his Trust, agreably to the Articles of Association—which Bond was lodged with The Secretary.—

At a Meeting of the Directors & agents of the Ohio Company at Mr Brackets Tavern The 21st of November 1787 (In Consequence of the following Notification) and continued by Adjournment to 22d

Advertisement for the 4th Gen'l Meeting of

The Directors and agents of the Ohio Company, are hereby requested to meet at Cromwell's Head Tavern, School Street, Boston, on Wednesday the

the Ohio Company

21st instant, at Ten O Clock in the morning, for the following Purposes, Viz.

1st To see what Measures the Agents will agree upon, for alloting Lands to the first Hundred Families (or other Number) who shall arrive in the Country, in order that the first Settlement may be made as compact and defensible as possible.

2d The Contract being already executed by the Board of Treasury To determine on the Measures necessary to be taken in order to close the Subscriptions of the Company. Also to transact any other Business of the Company, which may be thought expedient.

N.B. The several Agents for collecting Subscriptions, are requested to give punctual Atendance, and it is expected that each Agent will deliver or send to the Directors at said Meeting, two Returns, the first containing the Names of all who have Subscribed under the following distinct Heads. Subscribers Names, Addition, Place of Residence, Shares or Sums subscribed, and Sums paid.—The second Return to contain such of the subscribers Names as are entitled to Military Bounty Lands, under the following Heads, Viz. Names Rank, and Regt.

Signed Rufus Putnam {By order of the Directors

Boston November the 10, 1787.

Division of Lands to the Proprietors

Resolved, That the lands of the Ohio Company be allotted and divided in the following manner; anything to the contrary, in former resolutions not withstanding,—Viz. Four thousand acres near the confluence of the Ohio and Muskingum rivers, for a city[29] and commons, and contiguous to *this*, one thousand lots of eight acres each, amounting to eight thousand acres.

Upon the Ohio, in fractional townships, one thousand lots of one hundred and sixteen acres and 48/100, amounting to one hundred and sixteen thousand four hundred and eighty acres.

In the townships on the navigable rivers, one thousand lots of three hundred and twenty acres, amounting to three hundred and twenty thousand acres. And, In the inland towns, one thousand lots of nine hundred and ninty two acres each, amounting to nine hundred and ninty two thousand acres, to be divided and allotted as the agents shall hereafter direct. That there be the following reservations, Viz.

One township at the falls of the great Hockhocking river:

One township at the mouth of the great, or little, river of that name; and, one township opposite to the mouth of the great Kanhawa river. Which reservation may hereafter, be divided and allotted as the Directors and Agents see fit.

Alteration in the plan of the City

Resolved That the city at the mouth of the Muskingum river be so laid out into oblong squares, as that each houselot shall consist of ninty feet in front and one hundred and eighty feet in depth, with an alley of ten feet in width, through each square in its oblong direction; and that the centre street[30] crossing the city, be one hundred and fifty feet wide, anything to the contrary, in former Resolutions, notwithstanding.

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[29] Marietta, Washington Co., Ohio.

[30] Washington Street, Marietta.

Addition to the Reservation for Public Uses

Resolved, That in addition to the reservations heretofore ordered, there be eight house lots in the city at the Mouth of Muskingum, reserved for publick uses.

Army Bounty Rights

Resolved, That the army bounty rights, be considered in part payment of the shares of military associates, in the ratio of one dollar to every acre, to which they are entitled; and that this rule shall be observed by the Agents of the Subscribers in rendering their returns, and by the Agents appointed by the Directors for the second payment to the board of treasury.

Closing of the Subscription

Resolved, That no further Subscriptions be admitted after the first day of January next; and that all interest arising upon sums paid, since the payment of the first half million to the board of treasury, until the second payment be completed shall accrue to the benefit of the Company's funds; and that the Agents pay all the monies they may have in their possession, into the treasury of the Company, by the first day of March next.

Agents

Resolved That

	General Rufus Putnam	70
	Joel Barlow, Esq.[31]	140
	Mʳ Corlis[32]	110
Agents.	General Tupper	40

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[31] Joel Barlow, (1754-1812); Dartmouth, 1774; grad. Yale, 1778; chaplain Poor's brig., 1780-83; admit. bar, 1786; "Vision of Columbus," 1787; agent "Scioto Co.," 1788-90; commer. agent in Europe, 1792-95; U. S. consul, Algiers, 1795-1797; U. S. Minister to France, 1811; society of the Cincinnati; owned three shares in Ohio Co. in partnership.

[32] William Corliss; important agent of Ohio Co.; on many

Capt^{n} John Dodge[33] .	20
M^{r} Kendall . . .	20
Major White[34] . .	20
Col. Sproat[35] . .	50
Col. Crary[36] . .	90
Col. May[37] . . .	31
Genl. Freeman[38] . .	25
W. Sargent Esq. . .	146
Doctor Downer[39] .	18
Rev^{d} M^{r} Cutler . .	167
Gen^{l} Jackson[40] . .	13
Gen^{l} Varnum . .	
For agencies in Maryland and Pennsylvania	40

be permitted to complete Subscriptions to the Numbers respectively affixed to their Names

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committees; owned in partnership three shares in the company.

[33] John Dodge, (-1805); first lieut. Mansfield's reg., 1775; first lieut. twenty-seventh cont. infan., 1776; capt. Mass. militia; migrated to Marietta, 1788; owned two shares in Ohio Co.

[34] Haffield White, (-1817); lieut. Minute-men, 1775; second lieut. Mansfield's reg., 1775; reg. adjt., 1776; capt. fifth Mass., 1777; built first mills in Ohio (Wolf Creek), 1788; society of the Cincinnati; owned two shares in Ohio Co.

[35] Ebenezer Sproat, (1752-1805); common school education; capt. Cotton's Mass. reg., 1775; maj., 1775; maj. third cont. infan., 1776; lieut.-col. fourth Mass., 1777; lieut.-col. twelfth Mass., 1778; col., 1783; surveyor Seven Ranges, 1786; surveyor Ohio Co., 1787-91; sheriff Wash. Co., O., 1788-1802; society of the Cincinnati; American Union Lodge; owned two shares in Ohio Co.

[36] Archibald Crary; capt. first R. I., 1775; lieut.-col. ninth cont. infan., 1776; lieut.-col. R. I. militia, 1776; col. second R. I. State reg., 1777; adj.-gen. R. I. militia, 1780; judge common pleas court, Wash. Co., O.; owned two shares in Ohio Co.; on many important committees.

[37] John May, (1743-1824); capt. Bost. reg., Mass. militia, 1778;

Survey and Disposition of the 8 Acre Lots

Resolved That the eight acre lots be surveyed and a plat or map thereof be made, with each lot numbered thereon, by the first Wednesday in March next; and that a copy thereof, be immediately be forwarded to the Secretary, and the original retained by the Company's Superintendent. That the Agents meet upon the same Wednesday in March, at Rice's Tavern in Providence, State of Rhode Island, to draw for said lots in numbers, as the same shall be stated upon the plat. That a list of the draughts be transmitted by the Secretary to the Superintendent, and a copy thereof preserved in Secretary's office.

Adjournment of Agents Meeting

Resolved That this meeting of the Directors and Agents of the Ohio Company be, and is hereby adjourned, to the first Wednesday of March, 1788, to be then holden at Rice's Tavern, in the town of Providence and State of Rhode Island

Directors Meeting

At a Meeting of the Directors of the Ohio Company at M^r Brackets Tavern, in Boston November 23, 1787 —

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col., 1787; author, *Journal and Letters . . . Relative to Two Journeys to the Ohio Country* (Cincinnati, 1873); owned one share in Ohio Co. personally and three in partnership.

[38] Nathaniel Freeman, (-1827); brig.-gen. Mass. militia, 1778.

[39] Eliphalet Downer; vol. surgeon, 1775; surgeon Heath's Mass. reg., 1775; surgeon twenty-fourth cont. infan., 1776; U. S. navy; owned two shares in Ohio Co.

[40] Henry Jackson, (-1809); col. sixteenth cont. reg., 1777; sixteenth Mass. reg., 1780; ninth Mass. reg., 1781; fourth Mass. reg., 1783; brevet brig.-gen., 1783; first Amer. reg., 1784; society of the Cincinnati; owned one share in Ohio Co.

For the purpose of carrying into effect the surveys, and other business, of the Ohio Company; as agreed upon by the Directors, and Agents, at their meetings of the 29th of August last, and the 21st instant.

Surveyors and Artificers

Ordered That four surveyors be employed, under the direction of the Superintendent herein after named.—That twenty two men shall attend the Surveyors. That there be added to this number, twenty men, including six boat builders, four house carpenters, one blacksmith, and nine common workmen.[41]

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[41] The party of surveyors and workmen, forty-eight in number, who reached Marietta included the following men:

General Rufus Putnam
Colonel Ebenezer Sproat
Colonel Return J. Meigs
Major Anselm Tupper
John Mathews, Surveyor
Major Haffield White
Captain Jonathan Devoll
Captain Josiah Munroe
Captain Daniel Davis
Captain Jethro Putnam
Captain William Gray
Captain Peregrine Foster
Captain Ezekiel Cooper
Samuel Cushing
Isaac Dodge
Israel Danton
Daniel Bushnell
Phineas Coburn
John Gardner
Gilbert Devoll, Jr.
Elizur Kirtland
Joseph Lincoln
Jabez Barlow
Allen Putnam
Earl Sproat
Allen Devoll
William Mason
Edmund Moulton
Benjamin Shaw
Jervis Cutler
Oliver Dodge
Samuel Felshaw
Hezekiah Flint, Jr.
Josiah Whitridge
Benjamin Griswold
Theophilus Leonard
William Miller
Hezekiah Flint
Amos Porter, Jr.
David Wallace
Jonas Davis
Josiah White
Henry Maxon
William Moulton
Simeon Martin
Peletiah White
Ebenezer Cory
Joseph Wells

Departure Artificers

That the boat builders shall proceed on Monday next: and the surveyors rendezvous at Hartford, the first day of January next, on their way to Muskingum.

Privileges of the Surveyors and Artificers

That the boat builders and men, with the Surveyors, be proprietors in the company.

That their tools, and one axe, and one hoe to each man, and thirty pounds weight of baggage, shall be carried in the company's waggons; and that the subsistence of the men on this journey be furnished by the company.

Wages and Subsistance

That upon their arrival at the places of destination, and entering upon the business of their employment, the men shall be subsisted by the company, and allowed wages at the rate of four dollars (each) per month, until discharged.—

Penalties for Malconduct

That they be held in the company's service, until the first of July next, unless sooner discharged; and that if any of the persons employed, shall leave the service, or wilfully unjure the same, or disobey the orders of the Superintendent, or others acting under him; the person so offending shall forfeit all claims to wages.

Payment of Wages

That their wages shall be paid the next autumn in cash, or lands, upon the same terms as the Company purchased them.—That each man furnish himself with a good small arm, bayonet, six flints, a powder horn and pouch, priming wire and brush —half a pound of powder, one pound of balls, and one pound of buckshot. The men so engaged, shall be subject to the orders of the Superintendent, and those he may appoint as aforesaid, in any kinds of business they shall be employed in, as

Arms and Accoutrements

Services and Subordination

well for boat-building and surveying, as for building houses, erecting defences, clearing land and planting, or otherwise for promoting the settlement; and as there is possibility of interruption from enemies, they shall also be subject to orders as aforesaid, in military command, during the time of their employment.

Wages of Surveyors

That the Surveyors shall be allowed Twenty-seven dollars p^{r} Month and Subsistance while in actual service to commence upon their arrival at the Muskingum.

Appointment of Surveyors Superintendant

That Col Ebenezer Sproat, from Rhode Island, M^{r} Anselm Tupper,[42] and M^{r} John Mathews,[43] from Massachusetts, and Col R. T. Meigs[44] from Connecticut, be the surveyors.[45]

That General Rufus Putnam, be the Superintendent of all the business aforesaid, and he is to be obeyed and respected accordingly.

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[42] Anselm Tupper, (1763-1808); lieut. and adj. eleventh Mass. reg., 1780; tenth Mass. reg., 1781; sixth Mass. reg., 1783; maj. Campus Martius militia, 1791-1795; first teacher in N. W. Terr.; author "Battle of Muskingum," 1806; society of the Cincinnati; American Union Lodge; owned one share in Ohio Co.

[43] John Mathews, (1765-); nephew of Rufus Putnam; served under him in Revolution; surveyor of Seven Ranges, 1785-1787; surveyor Ohio Co., 1788- ; surveyor Military Tract, 1798; business; settled at Moxahala, Musk. Co., O., Ohio Senate, 1820; owned one share in Ohio Co. in partnership.

[44] Return Jonathan Meigs, (1734-1823); maj. second Conn. reg., 1775; Quebec expedition, 1775 (captured); exchanged, 1777; lieut.-col. Sherburne's cont. reg., 1777; col. sixth Conn., 1777; retired, 1781; com. treaty of Greenville, 1795; Cherokee Indian Agent, 1801; society of the Cincinnati; American Union Lodge.

[45] Patterning after the system of choosing surveyors from various States wisely established by the Government, the Ohio Co. selects men from three of the New England States.

Wages of Superintendant

That the Superintendent be allowed for his Services forty dollars per Month, and his Expences, to commence from the time of his leaving Home.

Negotiations of Indents

That the Treasurer of the Company take Order for negotiating the Indents of Interest issued upon the first Payment made into the Board of Treasury of the United States, in such way, and at such time, as may be most beneficial to the Company.

Monies to the Superintendant

That He pay to Gen. Rufus Putnam, Superintendent twenty one hundred mexican. Dollars (he to account for the same) and place the amount to the Company's Funds.

Monies to General Varnum

That he also pay to Gen. James M. Varnum, or Order, four hundred Mexican Dollars (he to account for the same) and place the amount to the Companys Funds.

Expenses of Agents

Whereas at this Meeting of the Directors, Several of the Agents of the Ohio Company have applied for a Reimbursement of expenditures by them incurred in paying Subscription Monies into the Treasury, and in Attendance upon general Meetings; and Whereas, after having deliberated upon the Nature of these Applications, Doubts have arisen in the Minds of the Directors, whether, they are authorized by the Association (from which they cannot deviate) to admit them — they therefore, recommend to the Proprietors to make the Reimbursements before mentioned to their Respective Agents — Adjourned to the first Wednesday in March then to meet at Rice's Tavern in Providence State of Rhode Island, —

Copy of a Commission granted to the Honorable Rufus Putnam as Superintendent of the Company's Operations in the Territory lately purchased from the Honorable Congress of the United States of America

To Rufus Putnam Esq^{r}.

Greeting

[General Putnam's commission]

Whereas, at a meeting of the Directors of the Ohio Company in Boston the twenty third day of November 1787 it was ordered among other things, that twenty people, proprietors, in said company, be engaged and sent forward, for the purpose of building boats and other purposes in said order mentioned, at the expense of the company, and that four surveyors be employed, together with twenty two men proprietors as aforesaid, to survey and lay off certain Lots &c and for other purposes provided, and at the expense of the company;—We therefore the undersigned, Directors of said Ohio Company reposing full confidence in your Abilities, Zeal and integrity do appoint you the said Rufus Putnam Superintendent of the business aforesaid; Hereby authorising and empowering you fully to transact and do every matter and thing necessary for carrying into full effect the orders aforesaid, according to their full extent and meaning, with power of appointing such and so many persons, and with Such authority, under you, as you shall find Convenient. you are also authorised, for the purposes of forwarding the settlement, to employ as many more persons proprietors of said Company as laborers, as you shall judge most advantageous, provided that you do not engage them upon terms less beneficial, than those already stipulated. In all other respects you are to exercise your best discretion, And for all which this shall be your warrant —

Given under our hands and seals the Twenty third day of November 1787 —

Signed James M Varnum

Copy of the Company's Contract for a certain Tract of Land, North West of the River Ohio — By the Rev^{d} M^{r} Manassah Cutler and Major Winthrop Sargent as Agents for the Directors of the Ohio Company of the one part and the Honorable Samuel Osgood, Walter Livingston and Arthur Lee Esquires (the Board of Treasury for the United States of America)[46] acting by and under the Authority of the honorable the Congress of the said States of the other Part

New York October the 27 1787

[The Ohio Company's Contract with the United States]

This Indenture made the 27th day of October in the year of our Lord one thousand seven hundred and eighty seven between Samuel Osgood, Walter Livingston and Arthur Lee Esquires (the Board of Treasury for the United States of America) acting by and under the authority of the honorable Congress of the said States of the one Part and Manassah Cutler and Winthrop Sargent both of the Common wealth of Massachusetts as Agents for the Directors of the Ohio Company of Associates so called of the other part Whereas the Congress of the United States aforesaid in and by their several Resolutions and Notes of the twenty third and twenty seventh Days of July last past did authorize and empower the Board of Treasury aforesaid to contract with any person or persons for a grant of the tract of land in the said Resolutions mentioned upon such terms and conditions for such considerations and under such reservations as in the said Resolutions is expressed And whereas by virtue and in consequence of the said Resolutions and Notes the said parties of the first part have contracted and agreed with the said parties of the second part Agents as aforesaid for a grant of the tract of land herein after mentioned Now therefore this Indenture witnesseth that the said parties of the first part in order to carry their said Agreement as far as possible into effect and for and in concideration of the sum of five hundred thousand dollars well and truly paid into the Treasury of the said United States by the said parties of the second part before the ensealing and delivery of those Presents the Receipt whereof the said Board of Treasury do hereby acknowledge and thereof and of and from every part and parcel thereof do hereby on the behalf of the said United States acquit release exonerate and forever discharge the said parties of the second part and the said Ohio Company of Associates and every of them their and every of their Heirs Ex-

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[46] The second "Board of Treasury" consisting of Samuel Osgood (1748-1813), Walter Livingston, and Arthur Lee (1740-1792) was created in May, 1784, after Robert Morris's resignation as Superintendent of Finance. All powers held by Morris during the Revolution were jointly conferred on this Board, whose secretary was William Duer. The relations of this Board with Duer's group of speculators are discussed in the introduction to this volume.

[Price of Purchase]

ecutors Administrators and Assigns forever by these Presents and also in consideration of the further sum of five hundred thousand Dollars secured to be paid as herein after is mentioned Have in behalf of the said United States and the Congress thereof covenanted and agreed and do hereby covenant and agree to and with the said parties of the second part their Heirs and Assigns that within one month after the payment of the said last mentioned sum of five hundred thousand Dollars in the manner herein after prescribed a full and ample GRANT and conveyance shall be executed in due form of Law under the Seal of the said United States whereby the People of the said United States or the Congress thereof or such officer or officers as shall be duly authorized for that purpose shall grant convey and assure to the said parties of the second part their Heirs and Assigns forever (as Agents to the Directors of and in trust for the persons composing the said Ohio Company of Associates according to their several rights and Interest under the said Association) and to their Heirs and assigns forever as Tenants in common in Fee & Simple All that certain tract or parcel of land beginning at the place where the western Boundary line of the seventh range of townships laid out by the authority of Congress intersects the Ohio and extending thence along that river southwesterly to place where the western line of the seventeenth Range of Townships to be laid out according to the land Ordinance of the 20th of May 1785 would intersect the said River and extending

[Bounds of Purchase]

thence northerly on the western Boundary Line of the said seventeenth Range of Townships so far that a line drawn due east to the western boundary line of the said seventh Range of Townships will with the other Line of this tract include one million and a half of acres of Land besides the several Townships Lots and parcels of Land herein after mentioned to be reserved or appropriated to specific purposes thence running east to the Western Bounds of the said seventh Range of Townships and thence southerly along those bounds to the place of beginning with the Rights Members [*sic*] and appurtenances thereof which said tract shall be surveyed by the geographer or some other officer of the said United States to be authorized for that purpose who shall plainly mark the said East and West line and shall render one complete plat or map of the said tract to the Board of Treasury of the United States for the time being or such other person as Congress may appoint and another plat or map thereof to the said parties of the second part their heirs or assigns Provided always and it is hereby expressly stipulated that in the said Grant so to be executed as aforesaid a proper clause or clauses shall or may be inserted for the purpose of Reserving in each Township or fractional part of a Township which upon such surveys as hereinafter are mentioned shall be found to fall within the Bounds of the tract so to be granted as afore said lot number sixteen for the purposes mentioned in the said ordinance of the 20th of May 1785 Lot number twenty nine to be appropriated to the purposes of religion and Lots number eight eleven and twenty-six for the use and subject to the disposition of the Congress of the United States and also reserving out of the said tract so to be granted two complete Townships to be given perpetually for the purposes of an University to be laid off by the said parties of the second part their heirs or assigns as near the center as may be so as the same shall be of good land to be applied to the intended object in such a manner as the legislator of the State wherein the said Townships shall fall or may be situated shall or may think proper or direct and the said parties of the second part do hereby for themselves and the Directors and the Ohio Company of associates aforesaid and every of them and their and every of their heirs executors administrators and assigns covenant and grant to and with the said parties of the first part their heirs Executors and administrators acting as aforesaid for and on behalf of the said United States by virtue of the authority so as aforesaid to them delegated and assigned (that within the space of seven years from and after the outlines of the said tract shall have been so as aforesaid run out by the Geographer or other Officer of the United States to be for that purpose appointed and the plat thereof given as aforesaid (if they are not pervented by incursions or opposition from the Savages or if they are so prevented then as soon as the same can be conveniently thereafter accomplished) the said Directors and Ohio company of associates or some of

[Reservations for Education, Religion and Congress]

[Exterior and interior surveys]

them their or some of their Heirs or Assigns shall and will cause the said Tract of Land to be surveyed laid out and divided into Townships and fractional parts of Townships and also subdivided into lots according to the directions and provisions of the Land Ordinance of the 20th of may 1785 issued by Congress and shall and will make or cause to be made complete returns of such divisions and subdivisions to the Treasury Board of the United States for the time being or such other person or persons as Congress shall or may appoint And also shall and will within one month after the outlines of the said tract shall have been so as aforesaid surveyed well and truly pay or cause to be paid into the Treasury of the said United States the sum of five hundred thousand Dollars in Gold or Silver or in securties of the said United States without fraud or further delay And in as much as it was the true intent and meaning of the said parties to these presents and of the Congress of the United States that the said Ohio Company of Associates should immediately cultivate if they thought proper a part of the said tract of land proportionable to the payment which they have so as aforesaid already made And should ful security for the undisturbed enjoyment of the same now this INDENTURE further witnesseth that the said parties of the first part by virtue of the power and authority to them given by Congress as aforesaid have covenanted promised and agreed and do hereby covenant promise and agree to and with the said parties of the second part their Heirs and

[Proportionate cultivation]

[750,000 acres]

Assigns in trust for the said Ohio Company of Associates their heirs and assigns that it shall and may be lawful for the said Ohio Company of Associates so called their heirs and Assigns to enter upon take possession of cultivate and improve at their pleasure all that certain tract or parcel of land part of the tract herein before described beginning at the place where the western boundary line of the said seventh range of townships intersects the Ohio thence extending along that river south westerly to the place where the western boundary line of the fifteenth range of Townships when laid out agreeable to the Ordinance aforesaid would touch the said river thence running northerly on the western bounds of the said fifteenth range of Townships till a line drawn due East to the western Boundary Line of the said seventh Range of Townships will comprehend with the other boundary lines of this tract seven hundred and fifty thousand acres of land besides the several lots and parcels of land herein after mentioned to be reserved or appropriated to particular purposes thence running east to the western boundary line of the said seventh range of Townships and thence along the said line to the place of beginning with the rights members and appertenances thereof according to the terms of the said Association Reserving always and excepting out of the said tract last mentioned and the permission to cultivate the same in each Township and fractional part of a Township which shall fall within the same according to the Land

Ordinance herein before mentioned lot number 16 for the purpose specified in the said Ordinance lot number twenty nine for the purposes of Religion lots number eight eleven and twenty six subject to the disposition of the Congress of the United States and also reserving and excepting two complete Townships for the purposes of an University to be laid off in the manner herein before mentioned and to be applied in such manner to that object as the Legislature of the State wherein the said Township shall fall or be situated shall or may think proper or direct And the said parties of the first part do hereby for and on behalf of the said United States promise and agree to and with the said parties of the second part their Heirs and Assigns that the said Ohio Company of Associates their Heirs and Assigns shall and may from time and at all times hereafter freely and peaceably hold and enjoy the said last mentioned Tract of Land except the said Lots and Parcels of Land and Townships so as aforesaid excepted provided that the Covenants and Agreements herein before contained on the part of the said parties of the second part are observed performed and fulfilled And the said parties of the first part do hereby pledge the faith of the United States to the said parties of the second part their Heirs and Assigns and to the said Ohio Company of Associates so called for the performance of all the Grants Promises and Agreements herein before contained which on the part of the said parties of the first part or of the said States are or ought to be kept

[Reservation for University]

and performed IN WITNESS THEREOF the parties to these Presents have interchangeably set their Hand and Seals and the said parties of the first part have caused their Seal of office to be hereunto affixed the day and year first herein before mentioned.

SAMUEL OSGOOD L.S. MANASSAH CUTLER L.S.
WINTHROP SARGENT[47] L.S. ARTHUR LEE L.S.

The foregoing are true RECORDS of all the Proceedings of the OHIO COMPANY at the several meetings of the DIRECTORS AND AGENTS from their earliest Origin to this 24th. of November 1787.

By
Winthrop Sargent Sec^{y}.

At a Meeting of the Directors and Agents of the Ohio Company at M^{r} Rice's Tavern in Providence State of Rhode Island Wednesday March 5th A.D. 1788.—

General Parsons in the Chair—

General Varnum, Gen^{l} Tupper, M^{r} Barlow, Col. May and Captain Heywood[48] were appointed a

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[47] The irregularity of Winthrop Sargent's acting as a legal representative of the Ohio Co. is mentioned and explained in Dr. Cutler's *Diary*. Previous to Dr. Cutler's arrival Sargent had been informally authorized to represent the Company in the letter written him by Cutler and Putnam. Cutler, *Cutler*, ii, 196-7. Upon Dr. Cutler's report Sargent was duly empowered to act with Cutler jointly in making the above contract.

[48] Benjamin Heywood, (-1816); lieut. Nixon's Mass. reg., 1775; second lieut. fourth cont. infan., 1776; reg. paymaster, 1776; lieut. sixth Mass. reg., 1777; capt., 1779-1783; society of the Cincinnati; owned one share in Ohio Co.

Committee to examine into and report upon the returns of the Agents.—This Committee reported—That one thousand shares of the Ohio Company's purchase were taken up by the Agents and that the drawing for the eight acre lots may commence as soon as the Meeting shall direct.—Which report was accepted and approved.—

Resolved That the Secretary enter upon the Records the number of Shares in each Agency.—

Resolved That M^r Cutler Gen^l Parsons—Major Dexter[49] Colonel Tallmadge[50] and Major Corlis be a Committee to prepare the names and make all necessary arrangements for drawing the eight acre lots.—

[Meetings at Providence March 5, 6, and 7]

Resolved—That the drawing shall commence tomorrow morning at the State House in this Town.—

Adjourned till tomorow morning 9 o'clock.—

Thursday March 6th.—Met agreably to adjournment.—

The Committee for preparing Names and Numbers, reported, that they had procured two boxes into the one of which they had put the Names of the Adventurers as returned by the Agents

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[49] John Singer Dexter; lieut. first R. I., 1775; first lieut. and adj. ninth cont. infan., 1776; capt. first R. I. reg., 1777; assist. to adj.-gen., 1779; Olney's R. I. battalion, 1781; maj., 1781-1783; owned four shares in Ohio Co.

[50] Benjamin Tallmadge, (-1835); adj. Chester's Conn. State reg., 1776; brig.-maj. to Gen. Wadsworth, 1776; capt. second cont. dragoons, 1776; maj., 1777; at Gen. Washington's headquarters, 1781; brevet lieut.-col., 1783; treas. Ohio Co., 1792-1834; society of the Cincinnati; owned four shares in Ohio Co. personally and two in partnership.

(amounting to one thousand) and into the other the numbers from N^o 1 to N^o 1000 — inclusive — That they have procured two lads to assist in drawing out the Names and Numbers — That they have appointed Colonel J. May to receive the numbers and call them off and Major W. Sargent to receive and call off the Names — And — That they have appointed General H. Jackson and Colonel Tallmadge, Clerks; and General B. Tupper to receive and string the several Names and Numbers together as they shall be severally drawn out. —

[Drawing 8-acre lots]

Resolved — that the report of the Committee be accepted and approved and that the Meeting adjourn to the State House immediately and proceed to drawing the Lots. —

Adjourned to the State House. —

At 9 o'clock P.M. having completed the drawing of the names and numbers (a List of which is with the Files of the Company in the Secretary's Office) the Meeting adjourned till tomorrow morning 9 o'clock at M^r Rice's tavern. —

Friday March 7 — Met agreeably to adjournment. —

A Letter from the Treasurer upon the subject of compensation for his services was read and committed to M^r Cutler, Gen^l Varnum and Colonel May — for report. —

Resolved — that the same Committee consider and report upon the expediency of providing some suitable Person as a Public Teacher at the Settlement now making by the Ohio-Company. —

Upon the Treasurer's application, the Committee reported, That a Letter should be written to him by the Secretary informing, "That as the five per cent. charged by him on the balance of Indents due to the Agents does not form a part of the Company's funds they have no Controul over them—and therefore it is their full determination to make him every equitable and reasonable allowance out of their funds which his services shall require—That the Directors and Agents["] entertain the highest opinion of the Abilities and good Disposition of their Treasurer and cannot suffer themselves to entertain an Idea of his resigning his appointment at this critical stage of the business."—

Upon the .expediency of providing a Public Teacher at the settlement of the Ohio-Company, they farther reported,

[Subscription fund for education]

"That the Directors be requested to pay as early attention as possible to the Education of Youth and the Promotion of public Worship among the first Settlers; and that for these important purposes, they employ, if practicable, an Instructor eminent for literary accomplishments and the Virtue of his Character, who shall also superintend the first scholastic Institutions and direct the manner of instruction: And to enable the Directors to carry into execution the intentions expressed in this resolution, the Proprietors and others of benevolent and liberal Minds are earnestly requested to contribute by voluntary Donations to the forming of a FUND to be solely appropriated thereto.—

That the Agents exert themselves in promoting subscriptions and paying the monies they may collect into the Treasury and that the Treasurer make report to the Directors at or before their next Meeting—

Resolved—That the reports of the Committee be accepted & approved.

Resolved. That the Secretary shall immediately upon receiving the Plan or Plat of the Eight acre Lots from the Superintendent, cause four Copies thereof to be made—One of which shall be for the use and information of the Subscribers in the State of Massachusetts—one for Rhode Island—one for New York and the other for Connecticutt and that he shall transmit the same to some one of the Agents of the Ohio Company—in each of the States before mentioned.—

Resolved That the Directors or any two of them be requested to make application to the Honorable Congress for permission to possess by Purchase or otherways all such land as may be comprised within the Reserves retained by Congress for future disposition, Schools or Religious Purposes in their several Ordinances of May 20th 1785 and July the 23^{d} 1787—should they fall within the tract appropriated heretofore by the Directors and Agents of the Ohio Company for the purpose of laying out a City—Commons and Eight-Acre Lots at or near the Mouth of the Muskingum River.

[Act of Incorporation]

Also that they make similar application for lands in any other important settlement, should they deem it necessary;

And that they apply to Congress for an Act of

Incorporation agreeably to the 12th Article of Association —[51]

Resolved — That each Agent produce to the next Meeting a Certificate from the Treasurer of all Monies by him paid both in specie and paper, upon his Agency. —

Resolved — That the Secretary be, and he hereby is, empowered to appoint from time to time, one or more Deputies as he may deem proper and necessary. —

Resolved — That the Superintendent be directed to survey and number the whole of the one hundred and sixteen & 48-100 acre lots on the fractional Townships the next in course after the eight acre lots be completed — And that he then proceed to survey and number the three hundred and twenty acre lots as soon as may be and endeavour if possible to have the whole surveyed and numbered by the first day of July next. —

[Call for first meeting in Ohio]

That the Meeting of the Directors and Agents be adjourned to the first wednesday of July next, then to meet at the settlement upon the Muskingum — when and where a draught will be made of the City lots — one hundred and sixteen & 48-100 acre lots and the three hundred and twenty acre lots, if the same shall have been surveyed and numbered. —

That the Directors be requested to give due notification through the Medium of the Treasurer or some other Channel, that there will be no draughts, if the necessary Surveys shall not have been previously completed and prepared for drawing—and that in such case, they be authorized and desired to appoint a future day for said Meeting for the purposes before mentioned.—

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[51] No evidence exists of the granting of an act of incorporation to the Company.

A LIST of Numbers to each Agency in the OHIO-COMPANY.—

Edward Harris[52]	40
John May	35
Eliphalet Downer	18
Manassah Cutler	151
William Dodge[53]	17
Ephraim Cutler[54]	19
Winthrop Sargent	166
Benjamin Tupper	37
Henry Jackson	13
William Corlis	112
Nathaniel Freeman	12
Rufus Putnam	62
Samuel H. Parsons	99

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[52] Probably a connection of the Rev. Thaddeus M. Harris who came westward in search of health and wrote his important *Journal of a Tour into the Territory Northwest of the Allegheny Mountains* (Boston, 1805); owned three shares in Ohio Co. and appointed on important committees.

[53] Relationship to Capt. John Dodge, prominent as the founder of Beverly, O., is not given in the published records of the family —*Marietta and Washington Co.*, 335-343.

[54] Ephriam Cutler, (1767-1853); terr. judge; capt. militia; terr. legis.; Ohio const. conv.; Ohio legis., 1819-25; advocated free schools; trustee Ohio University; promoter B. & O. Ry., 1839; mem. Whig nat. conven., 1839; owned one share in Ohio Co. personally and one in partnership.

Joel Barlow	27
Archibald Crary	102
Ebenezer Sproat	43
Benjamin Tallmadge	47
	1000

[First meeting at Marietta]

At a meeting of the Directors and Agents of the Ohio Company, on the 2d day of July 1788 and continued by adjournment to the 14th day of August, on the banks of the Muskingum, and near the confluence of that river, with the Ohio—

Present

Generals { Samuel H. Parsons, Rufus Putnam, James M. Varnum } Directors

AND	Col. John May	36 Shares
	Winthrop Sargent	166
	Col. Archibald Crary	102
	Major William Corlis	112
	Col. Return J. Meigs	99
	Capt Aaron Barlow[55]	25
	Col. Ebenezer Sproat	43
	Major Haffield White	20
	General Rufus Putnam	66
		669

Agents for the shares respectively affixed to their Names, It was

[Police]

RESOLVED. That a Board of Police be appointed for the regulation of the settlement. That it consist of three and the Directors present be the Board. That the Board draw up a plan or system for the Government of the settlement, to be laid before the proprietors present, as soon as maybe—

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[55] Aaron Barlow, a relative, representing Joel Barlow while the latter was on his mission to France for the Duer group; doubtless part owner of three shares in Ohio Co. with Joel Barlow.

[A quorum to be 500 shares]

Resolved That no vote of the Agents be valid, (excepting for adjournments from day to day) unless more than five hundred shares shall be in the Vote—.

Resolved That the Lot N° 29 in the 8th Range of Townships, appropriated by the honorable Congress for religious purposes shall be assumed upon the Idea that it may be possessed by the Company for their City Grounds agreeably to the plan ordered in their meeting in November 1787 —And that the proprietors who shall draw their House Lots upon any part of *this Lot*, which is now occupied and improved by Winthrop Sargent, John May, or Ebenezer Corey[56] or either of them, shall be held to make full and ample compensation to the occupants, previously to their entering into possession—

Whereas the safty and wellbeing of the people constituting this settlement, depend upon their establishing themselves in the most compact possible manner, and whereas, such settlement cannot be affected without an immediate appropriation of a part of the adjacent Commons—It is therefore

Resolved That the Lots N° 26 and 30, and the fractional parts of 35 and 36, of Townships N° 2 in the 8th Range, and N° 19, 25, and 20, and the fractional part of 31 in the 3ᵈ Township of the same Range (being in the Commons annexed to the City) be laid out into One thousand and five, three Acre Lots, Five of which shall be appropriated for public purposes, and the residue be drawn for as soon as may be—subject to the conditions hereafter annexed—.

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[56] Ebenezer Cory or Corey was one of the original party of forty-eight pioneers.

And Whereas it is also essential to the safty of the Inhabitants within this settlement, that the three Acre and City Lots be immediately cleared—It is further

[Penalty for not clearing 3-acre or city lot]

Resolved That where the proprietors of any three acre lot, ordered to be laid out in the Commons, or the proprietor of a City Lot, shall neglect to clear his lot; on application made by any other person, to clear, fence, and improve such lot, and licence being granted therefor, by the Agent of such proprietor neglecting to clear his lot, or by the major part of the Agents present in the settlement; it shall be lawful for such persons, so obtaining licence, to enter into, clear, fence and improve such lots—The three acre lots to be held free of Rent, until the Proprietor by himself, or some person authorised by him, shall claim the possession, and the occupant shall be paid the necessary expense in clearing and fencing the same; and the occupant under such licence shall have liberty to take off his crop on such lot when the proprietor shall take possession—. The City lots taken up under this resolve, may be holden by the occupant, until the owner shall claim the same, and until the Proprietor shall by labour, or otherwise (at the election of the proprietor) fully recompence the occupant, for clearing and fencing the same, where the profits shall not have amounted to a sufficient compensation—.

That every person clearing a City lot, shall also clear one half the street or alley adjoining the lot, and the proprietor claiming possession, shall pay the expence in the same manner as it is expressed in the foregoing resolve—.

[Mill seats]

That where Mill seats shall be found in the Commons, and it shall become necessary to flow the lands of any proprietor of three acre lots, or to make any other use thereof, for the purpose of erecting Mills, it shall be lawful for the Directors and Agents present in this settlement, to grant liberty to any person to erect Mills on any part of the three acre lots suitable for that purpose, and to make such use of the lands and waters, within the said lots as in their opinion shall be necessary for erecting Mills, and rendering them useful—And in order that justice be done to the owners of such lots to be improved as aforesaid, the Directors and Agents present in this settlement, are authorized to exchange other lands in the Commons for the lots necessary to be used for those purposes (upon application of the Proprietors of such Lots) or to assess a reasonable sum for the use of such Lots, where the proprietors do not require an exchange; which Sums, the owner of the Mill shall pay.—

That the Common Lands, between the highway and the Muskingum, and in market square, may be assigned by the Directors to persons to occupy for Gardens, (reserving so much of the Commons and in such places as the Directors judge necessary to pass from the Muskingum to the highway; and to be by them ordered to be open from time to time, as they shall think proper) and the Gardens so assignd shall be held the term of ten years from the first day of march next, on the following terms and conditions—. (Viz)

[Regulations for granting garden lots]

That they be cleared within two months, and fenced upon the streets and Commons not laid out for gardens, with good post and rails before the first day of March 1792, and that within three years from the first of March next, there shall be set out two rows of trees in each Garden, at the distance of two rods between the trees in each row of such trees, and in such manner as the Directors of the Company shall appoint, and at the end of the said ten years, they shall be laid open, and seeded to grass the fall preceeding—.

That any person obtaining liberty of the Directors of erecting buildings in the Lines of the Block house square, shall have right to occupy such buildings, and the lands between them and the highway for the term of Twenty Years from the first of March next—but in case of Attack or danger from an Enemy, the Inhabitants in the settlement shall have right to resort to the Houses in said square—.

Whereas five Lots of three acres each, in the

Division of the Commons are ordered to be reserved for public purposes—

[Grants to Generals St. Clair and Harmar]

RESOLVED That His Excellency Governor St Clair[57] have the sole occupancy of those lots for the term of ten years, commencing the first day of March next, and during the time he shall continue Governor of this Territory—

Resolved also, that for his more convenient accommodation, he shall have the right to exchange Five lots (of three acres each) in the division of the Commons, for other lands in the Commons, not otherwise appropriated—.

RESOLVED That General Harmer[58] have liberty to exchange three lots of three acres each (drawn in the division of Commons) for nine acres near Fort Harmer, which are to be bounded westerly *partly* on the Eight acre lots Northwesterly of the Garrison, and *partly* on Commons, and Northerly by the Eight Acre Lots on the Muskingum, and Easterly by the Muskingum River—.

[Grants for use of troops]

And that the Commons now occupied by the Garrison, bounding westerly upon the Eight Acre lots contiguous, until in a northern direction they shall meet the southern boundary lines of lands assigned to General Harmer—Northerly upon said lines—Easterly upon the Muskingum, and Southerly upon the Ohio, remain for the military use of the United States, so long as they shall be pleased to continue Troops in that station—And that the buildings and Gardens be occupied in such a manner as the Commanding Officer of the Army of the said United States in the Territory shall direct—.

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[57] Arthur St. Clair, (1734-1818); British army, 1757; emigrated to America, 1758; lieut.-col. troops, 1760-1762; judge of (Penna.) common pleas court; col. Pa. militia, 1775; col. second Pa. battalion, 1776; brig.-gen. cont. army, 1776; maj.-gen., 1777-1781; pres. cont. cong., 1787; gov. N. W. Terr., 1788-1802; com. U. S. army, 1791-1792; society of the Cincinnati; owned one share in Ohio Co.

[58] Josiah Harmar, (-1813); capt. first Pa. battalion, 1775; maj. third Pa. reg., 1776; lieut.-col. seventh Pa. reg., 1790; col., 1783; lieut.-col. and com. of U. S. army, 1784-1792; brevet brig.-gen., 1787; adj.-gen. Pa., 1793; society of the Cincinnati; owned two shares in Ohio Co.

And it is further Resolved that the Officers of the Garrison at Fort Harmer who now have, or shall have families there within the space of one year, being now proprietors in the Company may exchange each one a three acre lot by him drawn in the Commons, for an equal quantity as near the said Garrison as may be, and in the Commons and that the Directors shall take order accordingly—

[Directors to execute deeds]

Resolved That the Directors be, and they are hereby authorised to grant Leases to all persons, who by the resolutions of the Directors and Agents, are entitled to receive Leases; and to execute Deeds, where they are to be given in pursuance of the Resolutions of this meeting—.

Resolved That a House be built and prepared as soon as may be, for the use of his Excellency the Governor, and that the Directors take order accordingly—.

[The city named Marietta]

Resolved, That the City near the confluence of the Ohio and Muskingum, be called *MARIETTA*.[59]

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[59] The Ohio Co. town was first called "Adelphi;" another early name given to it was "Castrapolis"—*Belknap to M. Cutler*, Sept. 29, 1787. In July, 1788, General Parsons writes from Marietta stating that "our city is called Mari-ette;" this spelling in-

—That the Directors write to his Excellency the *Compte Moustiers,*[60] informing him of their motives in naming the City and requesting his opinion, whether it will be adviseable to present to her Majesty of France, a public square—.

[Public Squares]

Resolved That the reserved public square in the City including the buildings at the Block-houses be called, *Campus Martius* The elevated square N° 11. *QUADRANAOU*—N° 19. *CAPITOLIUM* and the square N° 61. *CECELIA*[61]—. And the great road, through the Covert way to Quadranaou, be called *SACRA VIA*—.

Resolved That the payment of the Shares in the Ohio Company, be completed to the Treasurer of the Company, by the first day of June next, and the shares not paid to the Treasurer by that time shall be forfeited to the Company—And the Directors, (or any two of them) thereupon apply to Congress to receive the second payment, and execute a deed accordingly— And to secure the Interest due on such payment, until the exterior lines of the purchase are run out—.

Resolved That the four Houses be completed upon the Campus Martius as soon as possible, and that the Directors, or the Major part of them present, take order thereon—.

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dicates the derivation of the name from that of Marie Antoinette. Mrs. Alderman points out that Louis XVI was a member of the society of the Cincinnati—*The Identification, etc.,* 23.

[60] Compte Eléonore-Francois-Elie Moustier, French ambassador to the U. S., 1787-   . No record of this matter exists in the archives of the French embassy at Washington.

[61] The point of land at junction of Ohio and Muskingum rivers, later changed to Square No. 69. These squares, with the exception of Cecelia, bear the same names today.

Resolved That the Directors take orders for disposing of the Commons adjacent to the City (not already disposed) to Occupants who shall apply for the same—upon principles similar to the parts already disposed of; and that they also dispose of the public reserved squares, in such manner as they shall judge will most conduce to the purposes designed by the Company—.

[Provisions for compactness of settlement]

And whereas in the present uncertain state of public arrangement for the protection of this Country, it is most essential that every provision should be made to render our Settlements as compact as possible—And in order to effect this important object, suitable encouragement should be given to Adventurers (proprietors and others) in quantities of land, sufficient for plantations and farms, within convenient distances—And whereas in matters of great moment, by which it may become necessary to vary, in a considerable degree, the arrangements already made for dividing and disposing the property of the proprietors, it is incumbent on the Directors and Agents, *that, they* should be noticed and consulted before any measures thereon shall be decided. It is therefore

Recommended, That the proprietors meet by themselves, or such Agents as they shall appoint for that purpose, at the City of *Marietta*, upon the first Wednesday of December next—to decide upon the principles beforemention'd, and to make such further arrangements for securing and disposing of their property, as they shall see fit—. And it is

[Committee on alteration of plan of purchase]

Resolved That an address to the proprietors be prepared—stating the reasons that have induced the directors and agents present, to an opinion of the propriety of making some alterations in the manner of laying out, and disposing of the Lands within the purchase; And that proper measures be taken to notify a meeting of the proprietors at the time and place aforesaid—And that Judge Parsons, General Putnam and Col. Crary, be a Committee to carry this Resolution into effect—.

Resolved That the Agents, at or before December next, make Returns of their subscribers to the Secretary, specifying the Alterations which have taken place by transfers of shares, since the drawing the eight acre Lots—.

In consequence of the Resolutions for the division of the three Acre and City lots, a Committee was appointed to prepare the Names and Numbers for drawing the same, which being prepared, a draught was made under the inspection of the Directors and Agents, and a list thereof is Lodged with the Secretary—.

Resolved That the alterations of the Names of persons, for whose use draughts are made since drawing the Eight acre lots, be entered at the close of the Books in which the several draughts are entered—

Upon information from Colonel May, that M^r

[Presentation of a bell]

Joseph May of Boston, had presented a *Bell* to the Ohio Company, for the first public building to be erected in the Territory of the Company, and such building being ordered by the Agents.[62]

Resolved That the thanks of the Company be presented to that Gentleman; and that the Directors be requested to take measures for transporting it from Boston to the City of Marietta—.

Marietta August 14th 1788.

At a meeting of the Agents of the Ohio Company—(by adjournment) 3 oclock P.M.

	General Putnam	66
	Col. Meigs	124
Present	Col. Sproat	43
	Major White	20
	Col. Battelle[63]	36
	Winthrop Sargent	166

[Disagreement as to time of meeting]

It appearing to this meeting, that Colonel Crary, Agent for 102 shares, and Major Corlis, for 112 shares, had at the hour of 11 °clock, A.M. (the hour to which a former meeting stood adjourned) met together and adjourned to the first wednesday of December next, and *that*, within the hour, Col. Meigs, Colonel Sproat, Major White, Colonel Battelle, and Winthrop Sargent, Agents for the shares respectively affixed to their Names, had assembled and adjourn'd the meeting of the Agents to 2 °clock P.M.[64]—

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[62] This bell was placed on a corner blockhouse of the Campus Martius and now hangs in the Marietta Historical Museum. The legend that Queen Marie Antoinette sent a bell to the city of Marietta on a ship which foundered has not been verified.

[63] Ebenezer Battelle, (-1815); Harvard, 1775; resident of Belpre, O., and Newport, O.; served on many important committees.

The meeting took into consideration to what time it would be most for the interest of the Company to adjourn—(Colonel Crary and Major Corlis, present) The first wednesday in December being proposed, and the Yea's and Nay's on the question required,

General Putnam . .	No
Col. Meigs . . .	No
Col. Sproat . . .	No
Major White . . .	No
Col. Battelle . . .	No
Winthrop Sargent . .	No
Col. Crary . . .	Aye
Major Corlis . . .	Aye

And so it was resolved in the Negative—.

Upon motion of General Putnam, that this meeting shall be adjourned to the first wednesday of November, then to meet at the City of Marietta, and the Yeas and Nays being required.

General Putnam . .	Aye
Col. Meigs . . .	Aye
Col. Sproat . . .	Aye

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[64] This is one of the few evidences of the disturbance caused within the Ohio Co. based on differences of opinion as to methods. Colonel May's *Journal* speaks of this faction as led by General Varnum. The location of the 8-acre lots, the "Scioto Company" so-called, what was termed General Putnam's exceeding his authority in the terms made with the Board of Treasury, the slow progress of the settlement and seeming waste of money, formed the subjects in dispute. In general, they were the usual topics of difference between absentee proprietors in every colony and those who were on the land—a difference of opinion on results as held by those who planned and those who attempted to carry out plans. Cf. Col. John May's *Journal*, (Cincinnati, 1873), 63.

Major White . . . Aye
Col. Battelle . . . Aye
Winthrop Sargent . . Aye

And so it was resolved in the affirmative Nem: Con:—And the meeting is accordingly adjourned to the first wednesday of November 1788.

Adjournment of Agents Meeting

November 5th The Agents of the Ohio Company met agreeably to adjournment at Campus Martius in the City of Marietta and further adjourned to the first Wednesday in December 10 °clock A.M. then to meet at the Company's Hall in Campus Martius

Winthrop Sargent, Secretary

Meeting of the Board of Directors

At a Board of Directors held the 21st of July 1788.

S. H. Parsons
Present. Rufus Putnam
J. M. Varnum

Labour due to the Company

General Putnam exhibited to the Board an Account of Labour now due to the Company under former Contracts, as on file. Ordered, that the Provisions furnished the men under Contract for Labour and for which they are indebted be deducted from the Wages due them, and that General Putnam dismiss from the Company's Service such persons as he supposes will not be further Useful to be retained

Carpenters to be Employed to

Ordered that such Number of Carpenters and other Labourers as are necessary to complete the Block House now begun, with the greatest expedition be immediately furnished, and General Putnam is desired to engage them upon the best terms he can—

complete the Block House

Ordered that General Putnam continue in the pay and employment of the Company, such number of surveyors, under his direction, as are necessary to Survey the 8 acre, 3 acre, and City Lots already ordered to be laid out.

Surveyors continued in the pay of the Company to compleat the 8-acre, 3-acre and city lots

Ordered that so many chain men and other persons necessary to a speedy completion of the surveys already mentioned in a foregoing Resolve be engaged by General Putnam.

chairmen and other persons to be engaged by Gen'l. Putnam

Ordered that the Wages to be allowed Carpenters shall be half a Dollar a Day, and one Ration; the Wages of other men employed, not to exceed Seven Dollars per month and one Ration per Day each.

Carpenters and other mens' wages

Ordered that the Surveyors receive two Rations per Day and the other men employed by the Company shall receive one Ration per Day.

Surveyors allowed two Rations per day, other men one

That a Ration consists of 1½ lb of Bread or Flour.

1 lb. of Pork or Beef, Venison or other meat equivalent.

1 Gill of Whiskey.

Vegetables when to be procured.

Ordered That General Putnam be empowered to employ Teams as shall be found necessary for compleating the Block House and fixing the Landing place.

Gen'l. Putnam to employ Teams

That a Commissary be appointed to procure and Issue Provisions, to the men employed by the

Commissary to be appointed to

Issue Provisions

Company. And that all stores of Provisions now in the possession of the Company, be delivered over to the Commissary, and a return made by him to the Board.

Wages to be allowed the Commissary

Major H. White appointed Commissary

That the Commissary be paid Eight Dollars per month for Issuing provisions and receive two Rations per Day, and his reasonable expences in procuring provisions shall be paid; and Major Haffield White is appointed Commissary.

At a meeting of the Directors of the Ohio Company August 4th 1788

Present
Samuel H. Parsons Esqr
Rufus Putnam Esqr
Js M. Varnum Esqr

Persons in the pay of the Company under Contracts expiring the first of July to be dismissed

Ordered unanimously that all persons retained in the pay of the Company under Contracts expiring the first of July last, be immediately dismissed from the Service of the Company, and the time they have Employed in their own business when under Contract to labour for the Company; and their subsistance furnished them when out of the Company's Employment; be deducted from their Wages in Settlement.

At a meeting of the Directors of the Ohio Company August 5th 1788.

Present
Samuel H. Parsons }
Rufus Putnam } Esqr
James M. Varnum }

Commons near the

Ordered That in order to carry into execution the Vote of the Agents for leasing the common

Lands, that those Lands may be cleared; the Commons near the City be leased to such person as shall apply to take them, in such quantities as the Directors shall find expedient on the following Conditions, that the Persons hiring the Lots clear them by the first of July next: and on that Condition shall hold them for the term of Ten Years from the first day of march next, and on failure to clear by the first of July the Lots may be granted to other persons and the Labour done shall be forfeited.

City to be leased

Conditions on which the Commons to be leased

Ordered that the Lands within the Boundaries of the City not included in City Lots or Commons exclusively of the publick Squares be leased on the same Conditions.

Lands within the Boundaries of the City to be leased on the same Conditions

Ordered That 15 Acres of Land which at a meeting of the Agents his Excellency Gov^{r} St. Clair has Right to exchange for five three acre Lots, shall be laid in the Commons by the Squares N° 24 and N° 15 in the City.

Ordered That Ten Acres of the Commons East of the square N° 33 in the City, shall be reserved at present, until at the meeting of the agents they shall determine whether it shall be proper to appropriate it for a Burying Ground.

Lands reserved for a Burying Ground

Ordered That the Commons on the East side of the Muskinghum exclusive of Gov^{r} S^{t} Clair's Reserve, and the Reserve for a Burying ground, be marked on the plan in Six Acre Lots, as near as may be.

Commons to be marked on the plan in Six Acre Lots

Ordered That that part of the Lot N° 29 not included in the City Limits be leased by the Directors on the Terms and Conditions following Viz: that the lessees clear the Lots leased by the first of July next, and on failure the Directors will re-enter and lease to other persons, that the Lessees shall hold the improvement Ten Years from the first of March next, and at the end of the term shall leave the Hills in good fence seeded to grass and the Bottoms in good post and rail fence.

Lot No. 16 to be leased

Conditions

And Lot N° 16 shall be leased the Occupiers to hold the improvement Ten Years from the first of March next and leave the whole enclosed in post and Rail fence and seeded to grass and cleared in such a manner as the Directors and Lessees shall agree.

Major White to make a return of the property of the Company in his possession

Ordered That Major White make a return of all the property of the Company in his possession at the next meeting of the Directors that proper measures may be consulted for disposing of, or otherwise Securing the same.

Persons in the pay of the Company to be supplied by Contract

Ordered that it is expedient the persons in the pay of the Company be supplied by Contract in the future, and that proper measures be taken to make the Contracts necessary for that purpose.

At a meeting of the Directors of the Ohio Company August 13th 1788.

Present Samuel H. Parsons }
Rufus Putnam } Esqr
James N. Varnum }

Sundry Articles to be sold at Public Vendue

Ordered That four Horses, one plow, two Harrows one set of Coopers Tools, one Saddle, 4 pair Hames, 4 pair of leather breast and britch plates, 4 Back bands and Crupers with straps, 2 double whipletrees. Two Blind Bridles, Leather Horse Collars, the property of the Company be sold at Public Vendue on Saturday next at 4 °Clock afternoon, And that Major White be authorised to sell the same; and that he immediately advertise the Sale at Campus Martius near the point, at the Garrison and on the Virginia Shore, and that the payments Satisfactorily secured to be made with Interest in the Six months or discounts with any persons to whom the Company are indebted will be received; And Col. Crary is authorized to take such measures for disposing of the Wagons belonging to the Company left near Clarks Gap[65] as he shall think most for their interest.

Ordered That in the market square Major Lunt[66] and Capt. Dana[67] have gardens in extent equal to the gardens in general laid in the Commons adjoining the Muskingum and to front on the front Street; and that Mr Swazey[68] have Liberty to take a Lot of equal extent in the rear of those two Garden Lots and fronting on the Street

Major Lunt and Capt. Dana allowed Gardens in the Market Square

Mr. Swazey allowed a Garden Lot

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[65] The point in the Alleghenies at which the original party of Ohio Co. pioneers was compelled to abandon their wagons for sleds at "Clark's Knob" just below Strassburg, Pa.

[66] William P. Lunt and Ezra Lunt arrived at Marietta in 1788; Capt. Daniel Lunt was a shareholder in the Company and a member of the society of the Cincinnati. Ezra Lunt held four shares in Ohio Co.

[67] William Dana, (1745-1809); sergt. Lexington, 1775; lieut. Gridley's reg.-art., 1775; capt. Knox reg. cont. art., 1775-1776; came to Marietta, 1788; established first brick kilns; settled in Belpre.

[68] Stephen Swazey and Joseph Swazey, Jr., held one share each in Ohio Co.

Major White, Lands to be adjoining Mr. Swazey

leading Eastward by the market square and that Major White have his Lands adjoining Mr. Swazey in the same square, and what Labour hath been done by any of the Persons on Lands assigned to either of those persons an equal quantity of Labour shall be done for the person clearing by the person to whom the Lot is assigned, any former Vote notwithstanding.

Liberty Granted to Mr. Molton to set a Blacksmiths shop in the Highway

ORDERED That Mr Molton[69] have Liberty to set up a Blacksmiths Shop in the Highway between Mr Lord[70] and Mr Fuller's[71] Houses, near the East side of the Road, and to continue the same during the pleasure of the Directors.

Mr. Fuller allowed a Garden Lot

ORDERED That Mr Fuller have a garden assigned to him in the rear of his house, including the neck, to the 2nd Street.

Encouragement for Erecting a Grist Mill

Whereas it is highly necessary that Grist Mills should be erected as soon as possible. Therefore Ordered that any persons who shall erect a Windmill on the Banks of the Ohio and near the mouth of the Muskingum by the first of December next, shall have Right to occupy One Hundred and fifty feet East and West, and Two Hundred feet North and South, for accomodating the mill; for a term of Twenty Years from that Time, Provided a sufficient Road to the Point be allways excepted from this Resolve.

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[69] Edmond, and son William, Moulton, were of the original party of forty-eight pioneers. William held one share in Ohio Co.

[70] Thomas Lord reached Marietta in 1788. Elisha, William, and Abner Lord were all shareholders in Ohio Co., the latter in partnership with John Newton.

[71] Oliver Fuller reached Marietta in 1788; owned one share in Ohio Co.

Marietta 15th September 1788,

Surveyos to return their Field Books Surveys & Remarks to Gen'l Putnam & to continue in the pay of the Compy until the 20th Inst

At a meeting of the Directors of the Ohio Company.

Ordered. That the surveyors employed in running out the 8 acre 3 acre and City Lots prepare and return their Surveys, Field Books and Remarks in course of their Surveys to General Putnam and that they continue in the pay of the Company until the 20th Inst and no longer.

Gen'l Putnam to procure materials for Compleating the Block Houses

Ordered That General Putnam be authorised to procure Boards, plank & nails for laying the floors and other necessary purposes to complete the work ordered to be done on the Block Houses, and Bricks for the Chimnies, and Glass for glazing one of them.

Provisions furnished men in the Service of the Company to be Charged them at Cash Price

Ordered That in Settling the Wages of persons hired by the Company the Provisions with which they have been supplied shall be charged them at the Cash price such articles were sold at in this settlement at the time such supplies were made.

Finishing the Bridge Highway, & the Cellers under the Block Houses to be done by Contract

Ordered That a Contract be proposed for finishing the Bridge and that the Highway Leading to Campus Martius and the Common in front be cleared as soon as possible by Contract. And that Cellers under Block Houses be dug by Contract.

All accounts with persons in the pay of the Company to be settled by the 1st of October

Ordered That the accounts with all the persons in pay of the Company be settled by the first of October, and that order be given on the Treasurer at that Time for payment.

At a meeting of the Directors September 19th 1788.

Houses to be built in the Campus Martius to be immediately compleated, or the lines to be Stockaded

Whereas it is highly expedient that the Houses agreed to be built in Campus Martius should immediately be compleated or that the lines connecting the Block Houses should be Stockaded. Therefore resolved that the persons who have engaged to erect Houses in those lines, do forthwith erect the outer walls of those Houses to the height of twelve feet, or, at their own expense erect a sufficient stockade in the lines connecting the Block Houses, and in case any persons shall neglect to build the outer wall of his House, or erect a stockade in the exterior line thereof, by a space of 14 fourteen Days his Right to build therein shall cease, and the Directors will grant the Right to other person; and the persons to whom the Licence to build is already granted, are called upon to inform the Directors whether they will comply with this order; and if any shall neglect to give such information within three Days, the Directors will consider such neglect as a determination not to build.

The Public Square on which the Bake House stands to be divided into Gardens

ORDERED. That the Public Square on which the Bake House stands, be divided into Gardens and be annexed to the Houses in Campus Martius not already accomodated with gardens and that they be held for the Term of Twenty Years on the same Tenure the Houses in Campus Martius are held.

At a meeting of the Directors.

List of Names of persons applying to rent Block Houses.

Genl Putnam
Majr Goodale[72]
Majr Cushing
Capt Devol[74]
Majr Coburn[75]
Mr Flint[76]
Mr Pierce[73]
Col. Crary
Majr Lunt[77]
Mr Corey
Mr Leavinz
Mr Ransford

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[72] Nathan Goodale, (1743-1793); lieut. Brewer's Mass. reg., 1775; first lieut. thirteenth cont. infan., 1776; capt. fifth Mass., 1777; taken prisoner at King's Bridge, 1778; exchanged, 1780; tr. first Mass. reg., 1783; brevet maj., 1783; society of the Cincinnati; came to Marietta, 1788; capt. militia; command of Farmer's Castle; captured and killed by Indians, 1793; owned two shares in Ohio Co. and one in partnership.

[73] Stephen and Israel Pierce with their families reached Marietta in 1788. Several Pearce's (David, Sr. and Jr., and William) were large shareholders in Ohio Co. The connection, if any, is not established.

[74] Jonathan Devol, one of the original party of forty-eight pioneers, resided at Marietta, Belpre and Wiseman's Bottom; built floating mill and Gen. St. Clair's barge; built ship "Muskingum" (220 tons) which sailed from New Orleans for Liverpool with cotton, 1801; built brig "Eliza Greene" (140 tons), 1801; builder and owner of schooner "Nonpariel" (70 tons), 1804; author "Ode" welcoming Com. Abraham Whipple on occasion of his voyage on the "St. Clair," 1801, from Marietta to Havana; held one share in Ohio Co.

[75] Asa Coburn, first lieut. Danielson's Mass., reg., 1775; first lieut. fifth cont. infan., 1776; capt. seventh Mass., 1777-1783; arrived at Marietta, 1788; owned three shares in Ohio Co. in partnership.

[76] Hezekiah Flint, junior and senior, were of the original party of forty-eight pioneers.

[77] Daniel Lunt; minute man, Lexington, 1775; serg. Phinney's Mass. reg., 1775; serg. cont. reg., 1776; second lieut. eleventh Mass. reg., 1776; first lieut., 1777; capt., 1780-1788; society of the Cincinnati; on important Ohio Co. committees.

At a Board of Directors held in the City of Marietta September 23rd 1788. Present.

Samuel H. Parsons
Rufus Putnam
James M. Varnum
} Directors.

Encouragement for Erecting a Wind-Mill

Whereas Liberty was granted for erecting a Wind mill near the mouth of the Ohio by Resolve of the 13th of August which mill by said Resolve was to be erected by the first of December and to include 200 feet East and West and 150 feet North and South. which is found to incommode the Landing—Therefore Resolved that any Persons erecting a Windmill near the Point at the Confluence of the Ohio and Muskingum by the first Day of March next, shall have right to occupy One hundred feet East and West, and One Hundred and fifty feet North & South of the Common Lands adjoining the Ohio and Muskingum for the Term of Twenty Years from said first Day of March next and erect a House and Granary on said Land for accommodating the Mill.

Common Lands to be leased at Vendue

Conditions

Resolved, that the Common Lands between the first Ravine north of the Point and the half square N° 74 and a small Lot on the Commons bounded Westerly on the Muskingum, Northerly on the beforementioned Ravine, Easterly on Highway and Southerly on the Commons, extending to the Southerly End of Casey's Hutt,[78] (except such part as will be included in the former Resolve for accommodating the Windmill) be leased at Vendue for the term of ten Years from the first of March next: no Buildings to be erected on the West side of the Highway, and no buildings on the East side of the Highway on the leased Lands are to be left standing at the Lease. The Rents to be paid on the first of March annually, and for nonpayment the Directors may re-enter upon the Lands and dispose of them to other persons.

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[78] Wanton Casey arrived at Marietta in 1789; owned two shares in Ohio Co.; appointed on important committees.

ORDERED, That the Leasing the beforementioned Land be advertised at Campus Martius, and be leased on monday next at four o'clock P.M. And that the Directors shall have Liberty to erect any Defences on the leased Premises during the time they shall judge necessary for the Common Interest, and that the Lessees be obliged to stockade at their own expense any Buildings they may erect on the Premises if in the Opinion of the Directors it shall become expedient.

At a Meeting of the Directors of the Ohio Company October 24th 1788.

Present Samuel H. Parsons, Rufus Putnam, James M. Varnum } Directors

Whereas the Survey of the Lands hath, by advice of the Governor an order of the Directors been discontinued since the 20th of September last and the Directors judging it expedient to survey some further Tracts of Land within the purchase and soon as it shall be practicable; Therefore

The North Line of the 4th Range of

ORDERED Unanimously, that the north Line of the fourth Range of Townships be run out Eigh-

Townships to be run 18 miles West thence South to the Ohio

teen Miles West from the Seventh Range, and from that Termination a line shall be run South to the Ohio: And the Lines of the Towns and Fractional parts of Towns between said north Line and the Ohio, and bounding East on the 7 Range, and West on the aforesaid West line be run and the Lots divided according to the Ordinance of Congress. And that measures be taken to effect the same as soon as possible.

Ordered: (Rufus Putnam Esqr dissenting) That the Surveys now ordered; be done by Contract; under the orders of the Directors. Adjourned to Tuesday 28th of October.

At a Meeting of the Directors of the Ohio Company November 3d 1788

Present
Samuel H. Parsons
Rufus Putnam
James M. Varnum
Esqrs

Surveys to Extend to the 5th Township 11 Range

Resolved: That the Surveys to be undertaken by Contract at this time extend to the 5th Township in the 11 Range. General Varnum dissents.

Surveys to be 2½ Dollars per mile

Ordered that the Surveys be offered at two and a half Dollars per mile to the Surveyors formerly employed under General Putnam, and on their Refusal to such others as the Directors shall think expedient.

Instructions to be given the Surveyors

At a Meeting of the Directors of the Ohio Company November 6th 1788.

Ordered, That the following instructions be given to the Surveyors Viz. You being appointed by the Directors of the Ohio Company a Surveyor to run the lines of a Tract of Land within the purchase of the Company now ordered to be surveyed. Our instructions to you are that you in all things appertaining to that Business strictly conform to the Requirements of the Ordinance of Congress of the 20th of May 1785 entitled an Ordinance for ascertaining the mode of disposing of Lands in the Western Territory, so far as that Ordinance respects the surveys of said Land; and to all other ordinances of Congress passed at any Time by which the surveying thereof is directed, or in any manner Effected—That the observations directed by said ordinances to be made you are exactly to describe and a fair Plat of the Country you shall survey with your Observations noted thereon you are to make, and your Plat so made, together with your Field Book and all observations made by you relative to the matters required by said ordinances; you are to Deliver to the Board of Directors, keeping no Copy thereof nor are you to suffer any to be taken, any further instructions you may receive from the Directors in the course of executing these surveys you will pay a strict conformity unto.

Form of an Oath to be administered to each Surveyor

ORDERED that an Oath be administered to each surveyor in the following words Viz.

You A. B. being appointed by the Directors of the Ohio Company a Surveyor to measure certain parts of the Lands of the Company now ordered to be surveyed Do Swear that you will truly and faithfully discharge your Duty as a Surveyor, and that in the execution thereof you will conform yourself to the Ordinance of Congress relative to that subject, and to the instructions you have or may receive from time to time from the Directors of the Company, according to your best skill and judgment.

Campus Martius at Marietta the 3^d of Dec^r 1788.

Meeting of the Agents of the Ohio Company

At a meeting of the Agents of the Ohio Company agreeably to their adjournment of November and Continued by adjournment to the 6th of February 1789.

Resolutions passed in Boston Nov^r. 21st 1787 repealed.

Resolved unanimously that the Resolutions of the Directors & Agents at their Meeting in Boston Nov^r 21st 1787 so far as the same respects dividing to each proprietor in the Funds of the Company $116^{48}/_{100}$ Acres in the fractional Townships on the Ohio, 320 Acres in the Townships on the navigable Rivers & 992 Acres in the inland Towns, & also respecting the Reservations of three Townships as specified & expressed in said Resolutions be, & the same are hereby repealed.

Preamble

Whereas. in the opinion of the Directors & Agents it hath becomes necessary in Order to effect a Settlement on the Lands purchased by the Company, that some Alterations in the mode of dividing the Land to the Proprietor, as agreed upon in a former meeting should take place; and that Donations in certain Quantities of Lands should be made to encourage Settlements in different parts of the Purchase in order to protect the inhabitants on the Lands to be allotted to proprietors; and the Directors & Agents unwilling to take a measure which would so essentially effect the Proprietors without first consulting them on the subject did notify a meeting of the Proprietors to be held in this City the first Wednesday of December Ins^{t} to advise on the subject, at which time a sufficient number of the Proprietors not appearing to Constitute a meeting, the same was adjourned and at the meeting by adjournment there appeared by themselves & agents especially authorized 140 Shares which number being inadequate to decide on any measures, the following Vote was passed.

Viz. That in the Opinion of the Proprietors present, the Agents of the Funds of the Company committed to their care to purchase Lands & promote a Settlement thereon should make such Dispositions of the Lands purchased as will most effectually promote a settlement upon the same— by Donations to Settlers not exceeding one hundred Acres out of each share in the Funds. And that the Surveys of the Lands to the Proprietors should be in such manner as will in the opinion of the Agents most effectually advance the Interest of the Proprietors—From which the Vote five only dissented, & the Agents deeply impressed with the necessity of the measure & convinced that the interests of the Proprietors can not be advanced in any other way, for Reasons before stated, when a meeting of the Proprietors was called, And as the Design expressed in the Articles of Association is to promote a Settlement *on*, as well as to purchase Lands for the Proprietors in the Funds of the Company.

Lands to be granted to Setlers

Comm^{ee} of nine Rufus Putnam, John Dodge, Griffin Green, Alex^r. Oliver, Jon^a. Devol, Robert Oliver, R. J. Meigs, Capt. Dana, Nath^n. Goodale

Therefore Resolved unanimously that there shall be granted to persons who shall settle in such Places within the purchase as the Agents may think most conducive to advance the general Interests of the Proprietors, & under such Restrictions & Limitations as they shall think proper—not exceeding 100 Acres out of each share of the Funds of the Company; & that a Committee be appointed to investigate the purchase so far as may, in their Opinion be necessary in order to point out & fix upon proper Places of settlement, & make report Committee to consist of nine.

Treasurer to draw the interest of Securities in his hands

Resolved that the Treasurer from time to time draw the Interest of the Securities in his hands (for the second payment) & hold the same subject to the orders of the Directors.

Committee appointed to reconnoitre the Land near the mouth of the Great Kanhawa

Resolved that there be a committee of three to reconnoitre the Land near the mouth of the great Kanhawa, & report whether in their opinion it will be proper to make a settlement there, & what quantity of Land may be advantageously divided to the Proprietors near that place, & that Hon^{ble} Judge Parsons Col. Archibald Crary & Gen^l Benjamin Tupper be the Committee—

Wages of the Committee to be 1 Dollar per Day

Resolved that the Wages that shall be paid the Committee who are to reconnoitre the Lands be one Dollar per Day—Their provisions to be at their own expence—

Report of the Committee appoint-

The Committee appointed at the meeting of the Agents & Proprietors of the Ohio Company Dec^r

ed to reconnoitre the purchase and to fix on places of Settlement

15th to reconnoitre the purchase so far as may in their opinion be necessary in order to point out & fix upon proper places of Settlement,—Report That they set out on the Business assigned them the 30th of the same month and proceeding up the Duck Creek through the 3d Township of the 8th Range & within 45 Chains of the Center of the 4th—where they erected a post—They ascertained the general course of the Creek & reconnoitred the Lands on both sides, as far as they were able that they find the Creek large & affording good seats for mills in divers places that at and near the Center of both Townships the Lands are proper for building Villages and forming Settlements—That on the Duck Creek as well as many smaller Creeks & Brooks (with which these Townships abound) are considerable Quantities of good interval, and rich uplands—that the Hills in general are not so steep & are of a much better quality than those which lie nearer the City—That within about Sixty Rods Eastward of said post in N° 4 Township the Creek parts into two Branches of nearly equal size, either of which are sufficiently large for Water Works of any kind, And the Lands lying within or beyond the Forks has a favourable appearance.

On the 3d Inst they proceeded up the West Branch of Duck Creek, a Northwest Course about one mile, then up a small creek about three quarters of a mile, when they ascended a Hill & traveled on a meandering Ridge about one & a half mile, the general Course N. W.—they then

Steered W. N. W. about three miles, crossing the Head Waters of Cats Creek & encamped on a hill, as they supposed, about one Mile North Easterly of the Center of N° 4 Township in the 9th Range, having crossed in the Course of the Day a good Hill Country watered with innumerable Springs & Brooks.

On the 4th their general Course was west about one mile & a half on high Land, then down a Valley one mile to a fine large Stream of water which they take to be the one called by some floating Timber Creek & by others Clear Creek, and falling into the Muskingum about one mile on this side the great Coal Bank—on this Stream are considerable Quantities of good Bottom Lands, but the Hills to appearance are not equal to those they passed over the Day before—they saw several fine Mill seats on this Creek; & above & below its junction with the Muskingum is a very large & excellent Bottom.

About two miles below Clear Creek on the opposite side of the Muskingum they saw the mouth of a Stream which they take to be Wolf Creek, & from a Distant view of the Lands on the West side there appeared a good Situation for a making a settlement on both sides the Muskingum, between Wolf and Clear Creek, unless a Congress Lot should interfere, which for want of Provisions they had not time to fully to Ascertain.

On the whole, the Committee are of Opinion that acres be given in Lot or mile square N° 13 in the 3d Township of the 8th Range as an Encouragement to make a Settlement, to erect a Saw-mill, Corn-mill & other water works on or near the same; The Undertakers to enter into Bonds to erect said Mills within one Year from

That in Township N° 4 in said Range, the Lots, or mile squares, N° 15, 21, & 23 be given to such Associators as shall contract to make a settlement thereon, to perform such Duties, & be subject to such Forfeitures in case of Failure as the Agents and Proprietors shall agree on—

Also, that Acres in Lot or Mile Square N° in this Township be given for erecting a Saw-Mill, Corn-Mill & other Water Works within.

The Contractors to be under Bond as in the Case of erecting Mills in N° 3, Township above mentioned.

With respect to any other Establishments the Committee request further Time to reconnoitre the Lands West of the Muskingum River which they will prosecute as soon as the Season & other Circumstances will permit.

Committee appointed to prepare a draught of the terms and conditions on which the Lots N°. 15, 21, 22 in Township N°. 4 in the 8th Range shall be granted to Settlers

Which Report was excepted, And there upon Resolved that Judge Parsons, Gen^{l} Putnam & Col. Crary be a Committee to prepare a Draught of the Terms & Conditions on which the Lotts N° 15, 21, & 22 in Township N° 4 in the 8th Range shall be granted to Settlers contracting to make a Settlement thereon, & also to consider & report what number of Settlers are necessary to make an Establishment in said Township, & what quantities of Land are proper to be granted to each Settler therein, & to prepare a general System for the Donation Lands.

Resolved that General Tupper, Col. Robert Oli-

Committee to receive proposals for erecting mills

ver[78a] & Major Coburn be a Committee to receive Proposals for Erecting Mills & other Water Works, pursuant to the Report of the Committee appointed to investigate Places for Settlements etc. And also to view the Lands in Township N° 3 near the Places proper for Waterworks, & to Consider whether a Settlement is proper to be made thereon & report.

Report of the Committee appointed to prepare a general System for the Settlement of the Donation Lands

The Committee appointed to prepare and report a general System for the Settlement of the Donation Lands and the Terms and Conditions on which the Lotts N° 15, 21, 22 in the 4th Township in the 8th Range shall be granted to Settlers etc: Report

That in their opinion the following Resolutions are proper to be adopted as they respect the Donation Lands generally & said Lotts N° 15, 21, 22 in Township N° 4 of the 8th Range particularly Viz: That all Donation Lands be granted subject to furnish High Ways free of Expense whenever wanted.

2d That the Settlers on such Lands be holden to the fulfilment of the following Articles.

Viz: 1st That within five Years after their License to enter on such Lands, there shall be built on each share a Dwelling House, at least 24 feet by 18 & not less than 8 feet between Floors —a Cellar under the House at least ten feet square & 6 & ½ feet deep, with a Chimney of Stone or Brick in the House.

[78a] Robert Oliver (-1810); lieut. minute men, 1775; capt. Doolittle's reg., 1775; second cont. infan., 1776; third Mass., 1777; major, 1777-83; lieut.-col., 1783.

2^d That there be set out on each share at least 50 apple or Pear-trees & 20 Peach Trees within three Years after the Settler shall enter thereon.

3^d That each settler shall clear & put into Grass fit for mowing or pasture 15 Acres, & into Tillage for Corn & other Grain 5 Acres within the Term of 5 Years after entering upon the Land—one fourth of which 20 Acres shall be cleared within two years after entering upon the same.

4^th That each settler be constantly provided with Arms & Ammunition agreeably to the requirements of the Law and shall pay an obedience to the Militia Law.

5^th That proper Defences be built & kept up on the Donation Lands as the Committee shall think necessary.

That all expenses attending the Survey of Donation Lands, & all costs arising in transacting the Business respecting the Lands be borne by the Grantees of such Lands.

[Committee on Donation Lands]

That a Committee of five be appointed to receive applications for Donation Lands, & to enter the necessary contracts with Settlers for carrying into Execution the foregoing Resolutions respecting the Donation Lands.

That any Settler on Donation Lands complying with the foregoing Requirements, & constantly maintaining on said Land a man able to bear Arms during the Term of five years, on each share he shall settle, be entitled to receive a Deed similar to those executed to the Directors by the United States, which Deeds the said Committee of five are hereby authorised to give.

That the said Committee of five may admit such Persons as Settlers as they shall judge will best advance the interest of the Proprietors until the first Day of October next—not exceeding two hundred in the whole—And any Proprietor desiring to settle his own share, shall have Liberty to return his Name to said Committee with the number of shares he will settle, until the first Day of October next; after which time the Committee may admit such non Proprietors to settle the Vacant Shares of the Donation Land as they think proper.

[Regulations respecting Donation lots]

And Whereas it may so happen that a greater Number of Proprietors may apply within the Time Limited as aforesaid as (with the Shares by the foregoing Resolutions to be given to Persons not being Proprietors) will exceed the number expected to be provided for under the Resolutions of the 15th of December last appropriating certain Quantities of Land for encouraging Settlement, and so be excluded, unless some further Provision be made:

Therefore that any Proprietor applying as aforesaid within the Time limited shall have liberty to take up in some suitable place to commence a settlement as the Agents & Proprietors shall order, Lands in Quantity & Quality equal to the Lands taken up & settled by other Proprietors under the said Resolutions of the 15th December last, subject to the Performance of the same Duties, & under the same Conditions & Limitations as the other Donation Lands are subject to—Provided the said Quantity of Land applied to encourage Settlements shall before that Time be taken up.—

That no Settlements shall commence on the Donation Lands in any Township before a sufficient number of persons shall appear to settle therein as in the opinion of the Agents & Proprietors shall be a proper security & Defence.

That the Lots N° 15, 21, 22 of the 4th Township of the 8th Range, be granted to twenty Settlers who shall apply to & be received by the said Committee of five before the first day of February next—Subject to the same Conditions Limitations & Duties as the Donation Lands are by the foregoing Resolutions subjected to—with these further Conditions Viz: That the Settlement commence by the first of June next, and that they build their Houses & Defences in such Part of said Lots & in such Manner as the Committee aforesaid shall direct, by the first of September next & continue to keep up such Defences as the Committee shall order during the Term of Five Years from the first of June.

That said Committee give Notice of the order of Agents & Proprietors respecting Lots, and receive applications until the first of February next And if twenty persons do not before that time apply to take up the same, the Committee are Authorized to Contract with suitable persons to form a settlement thereon at their own expence on the Terms & Conditions before Provided—but the persons who may have, before said first day of February, applied to said Committee to take up shares in said Lots, shall have Right to Join in such Contract if they choose — And the Applicants for said Lands shall agree about the mode & Proportion in which the said Lands shall be divided before they shall be allowed to enter thereon.

That in all cases where Proprietors or others suitable persons shall at the same time apply to the Committee aforesaid for the same tract of Land to be granted under the foregoing Resolutions, the preference between the Applicants shall be decided by Lot.

Whereupon resolved that the foregoing Report be accepted & Confirmed as Resolutions of this Meeting.

And whereas it is necessary to establish settlements in different parts of the Purchase as soon as proper numbers for forming them, in any Township in which Lands shall be granted for that purpose do associate —

It is Resolved That as soon as proper numbers to form a Settlement in any Township where Donation Lands are granted, shall Associate & apply to said Committee, for the purpose the Places of Settlement shall be assigned to such Applicants, & the time of commencing settlement shall then be ordered. And the Proprietors returning their names for settling their own shares agreeably to the foregoing Resolves shall be holden to furnish a settler by the first Day of June then next following; otherwise his share of the Donation Lands may be granted to other settlers.

Resolved that the Committee for receiving applications from settlers &c. consist of Five and that Judge Parsons, Major Goodale, Mr Griffin Greene, Genl Tupper and Col. Robert Oliver be the Committee.

Committee for receiving applications from Settlers

Resolved that the Directors execute Deeds to said Committee of Five similar to those they shall receive from the United States of all the Donation Lands—& to the Agents of the remaining Quantities of the Lands in the Purchase—And the said Committee shall execute similar Deeds to the settlers of their several shares.

Directors to execute Deeds to the Committee and the Committee to the Settlers

RESOLVED That so much of the Lands in Townships N° 1, 2, 3, 4 in the 8th & 9th Ranges & N° 1, 2, 3, 4, 5 in the 10th Range as will amount to 160 Acres to a Share in the Funds of the Company, be divided as soon as possible, And that the necessary Surveys be made as speedily as can be done. And that the Division thereof amongst the Proprietors be made by Lot in the City of Marietta the second Tuesday in March next.—

160 Acres of Land to be divided to a Share in the 8th, 9th and 10th Ranges

RESOLVED that the Secretary make a Copy of the Resolutions of the Agents & Proprietors respecting the encouraging Settlers, passed the 15th Ult: & the Resolutions relative thereto passed this Day, & the Resolutions to make a Division, & the Time of Drawing and send the same to the Treasurer directing him to cause them to be published in the News-papers in New York & New England, for the information of the Proprietors.

Secretary to make a Copy of the Resolutions respecting encouraging Settlers to have the same Published in the newspapers

RESOLVED that a Committee to consist of Five be appointed to report a System for allotting the Lands composing the Division of 160 Acres afore-

Committee appointed to report a System for allotting the

Lands composing the Division of 160 acres

said, & that Gen^l Parsons, Gen^l Putnam, Major Goodale, M^r Griffin Greene and Col. Crary be the Committee.

Preamble

Whereas the Gyantwachia or the Corn Planter[79] a Chief of the Seneca Nation has since the Treaty of Peace made in the Year 1784 between the United States & the Indian Nations in many instances been of great service to the United States—And the Friendship he has manifested to the Proprietors of Land purchased by the Ohio Company has been of particular service to them. —Therefore

One mile Square of Land granted to the Cornplanter

Resolved that one mile Square of the Donation Lands be granted to the Gyantwachia and his Heirs for-ever in such Place as the Committee appointed to examine proper places of Settlement shall assign; & that the Duties, Conditions and Limitations required of other Settlers on such Land, shall in this grant be dispensed with—And the said committee of five are directed to give him a Deed accordingly.

Report of the Committee for allot-

The Committee for allotting the Lands &c. Report, That in their Opinion it will be proper to divide the same conformably to the following Provisions.—which the Committee introduce in form of Resolutions— ting the Lands

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[79] Gyantwachia, "the Cornplanter," (1733(?)-1836); half-breed son of a trader, John O'Bail; a chieftain of Seneca tribe; born at Conewangus on the Genesee and lived in his town *Jennuchsadaga* on the lower Allegheny; participated with the French against Braddock; espoused the cause of the United States after the Revolution and was of assistance at the Treaty of Fort Stanwix (1784) and Treaty of Fort Harmar (1789). He seems to have valued this action of the Ohio Co. as an expression of good will and esteem. The effort to secure the presence of this noted chief on the Purchase did not have the expected result—if such was the purpose of the grant.

Viz: That in the Opinion of the Agents & Proprietors, the Division of Lands agreed to be made by the Agents & Proprietors on the 17th Inst will so far divide the interest of the Concerned as to render their Lands of much less Value if the Shares are drawn promiscuously through the whole tract of Land to be divided.

Therefore that the Directors & Agents be empowered to divide the Proprietors into ten Classes & to divide the Lands into ten Shares; & each class shall be entitled to the share drawn against such class.

[Non-resident proprietors]

And in order to do equal justice as near as may be to the Resident & non Resident Proprietors; That in forming those classes some Resident Proprietors shall in every instance be classed with the non Residents—And when the Lands to the Classes are thus Ascertained, A Draught shall be made by Lot between the Proprietors in such class for the Lots contained therein—except as in the following Resolve is Provided.

Viz: That whereas it may so happen that in some of the Lands drawn for some of the Classes there may be so great a Difference in the Quality as to render a Division in equal Quantities unjust; Therefore if in the opinion of the Directors and Agents such Cases should exist in any of the Lands drawn; it shall be in their Power to make those Divisions to Proprietors as equal as may be, by dividing greater Quantities of Land to some Lots, & less to other lots, to do more equal Justice—But all such Divisions shall be made & a Plat thereof presented to the Directors, before the Division amongst the Proprietors in such Class take place.

The foregoing Report is accepted & confirmed & passed into a Resolution of this meeting.

Resolved that Auditors be appointed to examine & adjust such claims as the Secretary has against the Company for his past services—And that the same mode be pursued in future for making a Compensation for such services as he renders which shall not be otherwise Provided for, And that the Directors Draw on the Treasurer for payment.

Books of Records & other Papers to be open to the Directors & Agents

Resolved That the Books of Records & other papers in Possession of the Secretary relating to the Concerns of the Company shall at all times be open to the examination of the Directors or Agents, & that such Copies as shall be necessary for the Directors or Agents being required by them; shall be made out by the Secretary & charged to the Company—And Copies made out for the private Use of Individuals be paid by the persons applying for the same.

Secretary to receive the same sum for examining Records &c as the Prothonotary

Resolved that the Secretary of the Company shall receive the same sums, for examining Records and for Copies from his Office as by Law the Prothonotary of the County may receive for the same services, and no more.

Auditors of

Resolved that Col. Robert Oliver, Major Goodale, & Cap^t Devol be the Auditors of the Secretarys Claims.

the Secretary's claims

RESOLVED That in all Divisions of Lands made or to be made to the Proprietors in the purchase; the same be subjected to furnishing highways in such places & at such times as shall be found necessary without purchase — in the Proportions of Six Acres to every hundred acres.

Lands subject to furnish Highways

RESOLVED, That Griffin Greene[80] Esquire be a Director in the Ohio Company. Vice Jame M. Varnum Esquire, deceased.

Griffin Greene Esq^r. appointed Director

RESOLVED That no License be given to fence up or improve any of the Street grounds of this City the present year —

No street grounds to be fenced

Whereas a number of Persons did (the last year, previous to laying out & drawing the City Lots) By Permission, girdle and plant a Tract of Land known by the name of the great Cornfield, & others have since by leave from Agents taken up some House Lots therein, And whereas it will be for the Interest of the Proprietors in general & of this Settlement in particular that the same should be cleared and put into Corn &c. the ensuing Season.

Preamble

Resolved that it be, & it is hereby recommended to all persons interested in said Field by girdling

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[80] Griffin Greene, (1749-1804); paymaster first R. I. reg., 1777-1778; merchant; built privateers; sold his business and migrated to Marietta, 1788; judge court of Quarter Sessions; on important Ohio Co. committees; made anchor for "St. Clair," 1800; postmaster of Marietta, 1802; collector, Port of Marietta, 1803; owned one share in Ohio Co. in partnership with William, son of General Nath. Greene.

[Regulations concerning "the great Cornfield"]

and planting as aforesaid & those who have obtained Certificates for House Lots as Aforesaid; to divide the several squares contained therein amongst the concerned in Proportion to the Quantity each one occupied the last year & the Labour done in Lots taken up as aforesaid by leave from Agents.

That in Case the persons claiming Right in said Field do associate & apportion the several squares thereof agreeably to the preceeding Article, by the 2^d^ Day of February that then the Agents may comformably to each Division amongst them, grant Certificates to enter & clear the several House Lots in the same manner as by former Resolutions City Lots may be taken up & improved.

That after the third Day of February the Agents may grant leave to any Persons who are not Occupants as aforesaid to take up such House Lots in said Field as shall not before that time be applied for in Manner aforesaid.

The right of improvement of the Lands Girdled &c. at the expence of the Compʳ to be sold at Vendue

Resolved that the Directors be requested to order the Right of improvement of the Lands girdled &cª at the Expense of the Company to be sold at Vendue, & that the Purchaser be considered in the same light as other occupants & treated accordingly.

7th Day of April to be a Day of Festival annually

Resolved that the 7th Day of April be for ever considered as a Day of Public Festival in the Territory of the Ohio Company, As their Settlements in this Country commenced upon that Day—And that the Directors request some Gentlemen to prepare an Oration to be delivered on the next Anniversary.[81] Rec^d the Report of the Committee for Mills & other Waterworks &c^a as follows—

Report of the Committee for Mills & other waterworks

That pursuant to their Appointment they viewed the Lot or mile square N° 13 in the 3^d Township of the 8th Range & find that on or near the North Line of said Square is the only Place in the aforesaid Township suitable for the above Purpose, that a considerable Part of the square is rough & very unfit for Cultivation, that the Mills if built to answer any good purpose, will be very expensive, therefore are unanimous of opinion that the whole of Mile Square N° 13 & one half (Viz.) the South or Southerly half of mile square N° 14 in said Township be given as an encouragement for the erecting of mills & forming a Settlement upon the following Conditions Viz: That there be built a good Grist Mill, and a good Saw Mill by the first Day of October next—such mills as the Committee appointed to superintend the Settlement of Donation Lands shall judge good & sufficient according to the true intent & meaning of this grant, & to be kept in good repair for the term of five years & also that the grantees or undertakers put on said Land & Continue for the space of Five Years, Five inhabitants to build such Houses &

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[81] This was duly held on the 7th of April following; an oration was delivered by Solomon Drown, M.D. The most important anniversary, that of the centennial celebration, was held April 7, 1888, with elaborate programs that attracted nation-wide attention. The proceedings form Vol. 2 of Ohio State Arch. and Hist. Soc. *Quarterly*. The centennial anniversary of the inauguration of Gov. St. Clair at Marietta and the establishment of civil government was held July 15, 1888, one hundred years from the formal erection of the "Territory North West of the River Ohio."

make such improvements & under such Regulations as are Pointed out by the general System of settling Donation Lands; the Inhabitants to be on within one Year from next May. The time in which the Houses are to be built & the improvements made; to be Limited by the Committee appointed to superintend the Settlement of Donation Lands; the Undertakers & Proprietors to be considered as settling five Rights of Donation Land & also to build such place or Places of Defense for the security of said Mills as the Aforesaid Committee shall judge sufficient; & to constantly keep there Eight effective men equipt as the Law directs (the inhabitants when there included) the Term of Three years from the first Day of October next unless the Company should think it unnecessary & direct otherwise Bonds to be given for the faithful Performance, Leave of Entry & Occupancy & the executing of Deeds, be agreeably, to the general System of Settling Donation Lands.

Which Report was accepted & passed into a Resolution of this meeting.

Adjournment

Adjourned to Monday the 2^d Day of March, then to meet at Gen^l Putnams Chamber 3 ^{o}clock P. M.

Information

Previous to the adjournment the following Resolutions were passed and were Omitted by mistake they should have been entered previous to the Report of the Committee appointed to Receive Proposals for Erecting Mills & other Water-Works. &c^a

Committee to report the

RESOLVED that the Committee appointed to receive Proposals for Erecting Mills & other water works & also to view the Lands in Township N° 3 near the places proper for water works, report the Encouragement which in their opinion may be necessary for adventurers to undertake the Business—together with the proper Establishments.

encouragement that may proper for Erecting Mills

RESOLVED that Col. Battelle, Col. Crary & Majr Sargent be a Committee to lease the Public Squares (To Sam¹ H. Parsons, Rufus Putnam & Griffith Greene Esquires) the one on which the great Mound stands,[82] Quadranio & Capitolium for so long a time as they are not wanted for the Uses for which they were reserved—The Committee are to point out the Mode of improvement for Ornament and in what manner the Ancient works shall be preserved & also to Ascertain the amount of what is to be given.

Committee appointed to Lease the Public Squares

RESOLVED that Col. Crary & Mr Sargent be added to the Committee for receiving Applications for Donation Lands &ca &ca & that five of the Committee be empowered to do business a majority of which number shall be adequate to deciding on any Question of their commission.

At a meeting of the Agents of the Ohio Company March the 2d 1789 & continued by Adjournment to July 6th inclusive. The Committee appointed on the 15th of December have for the Purpose of investigating the Country so far as may in their opinion be necessary in Order to point out & fix upon proper Places of settlement Report

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[82] Later called "Conus."

Second Report of the Committee for investigating the Purchase &c

That they set out a second Time on the Business of their appointment the 7th of February—that they took the Route up the Muskingum River & beginning at the Head of the Eight Acre Lots they continued the Survey of that River till the Northern Boundary Line of the Fourth Township in the eight Range running west crosses—which they find to be in the twelfth Range, & forty eight miles by Water from its mouth, Altho' in a direct Line but twenty four miles, & thirty Chains, & only thirteen miles & three Quarters North, & twenty miles & twenty four chains West in that Distance, that such of the Committee that were not immediately engaged in executing the necessary Surveys were constantly employed in exploring the Lands upon both Sides the Muskingum for several miles; on which they find large Tracts of excellent Interval or first & second Bottom and most delightfully watered with Springs and Rivulets great Numbers of which are fit for Water Works of any Magnitude—The Hills near the great Rivers are mostly steep which makes passing and repassing disagreeable, but the Soil on much the greater Part is very rich & clear of stones, excepting Ledges in some of them—That on the 16th the Committee left the Muskingum River & continued the Survey of the aforesaid Northern Boundary Line across the twelfth Range—the last three Miles of which was a most agreeable Country—That they then quitted the Surveys & travelled Westward two Days crossing a fine Hill Country charmingly watered by Streams all running to the Southward many of which are big enough for Mills—on which the Bottoms are very extensive & rich—That on the eighteenth they came upon the Head Waters of a Stream running West & S. W. 50 Links wide, the Bottoms Land very extensive & the Hills of gentle Ascent & rich in Soil—That the next Day about Noon they fell in with a Stream coming from the N West about seventy five Links wide & traversed this Stream nearly 5 Miles up, & found the Bottoms so wide that they could not see to the Hills in many places, & the Hills fine. That the Intervals at & below the meeting of the Streams for two miles down the River are very rich & wide, & at this Place the Hills on the West, & a Plain or second Bottom on the East making a narrow Passage for the Water (the Bottom & Banks of the Stream being lined with free Stone) a strong Dam may be made with little Expense—a peculiar Turn in the River with a hollow Ground running across a Point of land, by which a short Channel may be cut, renders this the best Mill Seat, amongst many good ones, they have yet seen—The River *here* is about twenty two yards wide, & runs South nearly three Miles till it joins another River which is considerably larger coming from the N. West, up which for five Miles they observed extensive Interval Lands.

Your Committee were now beyond without a Doubt on the great Hockhocking River, in the Fifteenth Range & a little South of a West Point from Fort Harmar:—The River at this Place is eighty yards wide & soon takes an eastern Course four or five Miles till a Creek from the N. E. of thirty yards Width falls into it—On this Creek they encamped having seen in the Course of a Day a more extensive level & rich Body of Land of first & second Bottoms than they have ever met with before—and the Hills as far as they examined, were in general of a good Quality. On the 21st Day Part of your Committee went down the Hockhocking eight or nine miles & returned in the Evening finding the Lands below if possible better than those they saw before—the Intervals and level Uplands bordering on the River in some Places five Miles wide—They also found a good Fall for Mills near the Mouth of this Creek.—

On the 22d they travelled up this Creek N. E. about Five Miles, & found that it came through a most excellent Body of Land—its Course above appeared to be north & there is no doubt but it is made up of a Collection of those Streams which they crossed on the 16th & 17th Inst. in their Western Route.—from this Place they crossed over some dividing Ridges to the East & saw much good & some broken Land, & encamped on Waters running to the East. Early on the 23d Day they fell in with a Stream 40 Links wide coming from the North through a fine Body of Land—down this Stream S S East about 3 Miles is a fine Mill Seat, & one mile lower it falls in with another Stream about the same Width coming from the S West, where they take a N E Course.—Upon this last mentioned Stream are also fired Lands—They explored the Country three miles up.

On the 24th they travelled East all Day & about Noon crossed the congregated Waters of the Streams which they saw yesterday in a Creek 35 yards wide running into the Southward which of Course must in their Opinion fall into the great Hockhocking—The Lands under their Observations this Day were hilly, & some good & some of an indifferent Quality.

On the 25th Day continuing their Course East they crossed the 11th & Part of the 10th Range of Townships on Lands level or moderately hilly & finely situated for Farming.

On the 26th & in an Easterly Course they observed the Country as they approached the Muskingum & Ohio Rivers to become more & more broken. In this Tour they have found Lime Stone & Pit Coal as Plenty in the Company's Purchase as Silver was in the Days of Solomon; They saw Iron Ore in Many Places (which is proved good by Experiments) but the State of the Ground prevented their determining the Quantity—They also saw Quantities of yellow, blue, & red Ochres & several Minerals of which they have not yet ascertained the specific Qualities—amongst which are Allum & Sulphur—

On the whole, your Committee are of the Opinion that the Country which they have seen Westward of the Ranges already surveyed—which they conceive lays in the 12th 13th 14th & 15th Ranges, far exceedes that which lays Eastward of it—Tho' *even* in this Tract there is a great Deal of Excellent Land which will afford several good Situations for making Establishments by Donation Lands, as well as many fine Farms to the Proprietors in the one hundred & Sixty Acre Lots.—The particular Places for making Settlements in the 9th & 10th Ranges, in two or three Instances, they have not yet been able fully to ascertain, but shall complete the Business in a few Days—In Regard to those they have already ascertained they beg Leave to propose the following to be adopted as Resolutions—

That the S. W. Quarter of the Mile Square N° 33 of the 4th Township in the 9th Range—the Mile Squares N° 24 & 30 in the 4th Township of the 10th Range—The Mile Square N° 2, the S. E. Quarter of the mile square N° 3—the mile squares N° 14, 19, 20—The West half of Mile Square N° 21—& the North half of Mile Square N° 27—The Mile Square N° 28—the North half of Mile Square N° 34 & the Mile Square N° 35 in the 5th Township and 10th Range amounting to nearly 5913 Acres exclusive of what is taken out of those Mile Squares & Parts of Mile Squares by the Muskingum River—

Also, in the Township lying in the 11th Range & bounding East on the aforesaid 4th Township of the 10th Range The North half of the Mile Squares N° 18 & 24, and in the Township in the 11th Range adjoining to these Lots on the North, & bounded East by the 5th Township in the 10th Range, the Mile Squares N° 4, 5, 7, 13, 19, 25 amounting to 4104 Acres exclusive of the Waters of the Muskingum as aforesaid—amounting in the whole to 10017 Acres be appropriated and granted as Donation Lands, to be contracted for & settled by such Undertakers as the Committee for settling Donation Lands shall agree with for that Purpose —conformably to the Resolutions of the Agents & Proprietors for settling such Lands belonging to the Ohio Company passed the 17th Day of January 1789—Provided that the aforesaid Committee shall not grant more than one hundred acres to each settling Right—That not less than twenty effective Men be permitted to commence a Settlement—That they erect such Defences as the Committee shall judge necessary within the Time agreed upon by the Committee & Undertakers—The Time also for commencing the several Settlements to be agreed on by the Committee & Undertakers provided it be before the 1st Day of September 1790—

And whereas these are several good Mill Seats within the Land granted for Settlement as aforesaid & the Erecting of Mills as soon as possible will be of great Utility to the Company, Therefore That the aforesaid Committee for settling Donation Lands to be empowered to contract with any Person or Persons they may think Proper to erect a good Saw Mill and Corn Mill on the most convenient Spot that may be found within the Lands before described, by granting him or them the said Mill Seat & such Lands adjoining the same, or elsewhere within the same Settlement, as shall be a sufficient Encouragement to erect said Mill—Provided the Grant exceed not three hundred Acres—

Which Report was accepted & passed into a Resolution of the meeting.

Drawing the 160 Acre Lots

Resolved that the Drawing of the 160 Acre Lots be postponed to the 23d Inst:—

Resolved that Judge Crary, Major Cushing & Griffin Greene Esqr be a Committee to report at the next Meeting such Resolutions as they may judge necessary to be passed as Instructions to the Company Surveyors in making out & numbering the 10 Classes of Proprietors for the Division of 160000 Acres ordered to be made by the Resolutions of the 17th of January 1789.

Resolved that there be granted Donation Lands upon the Ohio River Banks.

Resolved that General Putnam, Col. Battelle & Col. Putnam be a Committee to prepare & draw up Instructions for the Committee of Donation Lands.

The Committee appointed to prepare Instructions to be given to the Company's Surveyors for laying out the 160 Acre Lots

Report, that they find it impracticable to make an equal Distribution of the Lands proposed as to Quality, & are therefore of Opinion that so much of the Resolution passed by the Agents & Proprietors the 19th Day of January ordering the Division to be made equal in Quantity & Quality be repealed, & that the Surveyors proceed to lay out one thousand Lots of 160 Acres each (or as near that Number of Acres as possible from the Situation of the Land) without any Regard to Quality, or allowance for Rivers or Streams that may run through sd Lots.

Whereupon Resolved that the Clause in a former Resolve allowing a compensation in Quantity for any Deficiencies or Difference of Quality which should be in the Division of the 160 Acre Lots, be repealed, & That it be divided according to the Report of the Committee received this Day.

Committee for drawing the 160 Acre Lots

RESOLVED that Col. Crary, Col. Meigs, Captain Ingersoll[83] Mr. Bacchus,[84] & Major Cushing be a Committee to superintend the Drawing of the 160 Acre Lots—Which took Place accordingly & a List of the Draughts is lodged in the Secretary's Office.

The Committee for investigating the Purchase &cª Reported in Addition to their Report that they are of Opinion the following is proper to be adopted as a Resolution Viz:

Third Report from the Committee for investigating the Purchase

That the Mill Squares N° 25, 31, & 32 in Township N° 1, 9th Range—N° 1, 2 & 7 in Township N° 2, 10th Range containing 2375.194 Acres be granted to Associates, not exceeding 80 Acres to each Share—And that the following Lots & Parts of Lots, Viz: N° 13, the South half of N° 14, Lots N° 19, 20, the South ¾ths of N° 21, & Lot N° 25 in Township N° 2, 10th Range containing 2294.76 Acres be also granted to Associates not exceeding 100 Acres to each Share—reserving out of the last Quantity not more than 480 Acres in Mile Square Nº 21 for the Encouragement of erecting Mills—And that Lots Nº 28, 30, 33, 34, 35, & 36 in Township Nº 1, & Lot Nº 31 in Township Nº 2 in 10th Range containing 2358.17 Acres be also granted to Associates not exceeding 120 Acres to each Share—And also that Lots Nº 15, 21, 22, & 27 in Township Nº 3, 10th Range containing 2560 Acres be granted to Associates not more than 120 Acres to each Share; And also that the remaining Part of Lot Nº 13, & the South Half of Lot Nº 14 in Township Nº 4 9th Range containing 448 Acres be appropriated for the Encouragement of erecting Mills—containing in the Aggregate 7475.287 Acres—Be granted & appropriated at Donation Lands to be contracted for & settled by such Undertakers as the Committee for settling Donation Lands shall agree with conformably to the Resolutions of the Proprietors & Agents for settling Donation Lands belonging to the Ohio Company, passed the 17th Day of January 1789—Provided that the aforesaid Committee shall not grant more than the Quantity specified in the several Descriptions of Lands as before mentioned to any one Share—That not less than Twenty effective Men shall be permitted to commence a Settlement together—That they Erect such Defences as the Committee shall judge necessary within the Time agreed on by the Committee & Undertakers—That the Time also for commencing the several Settlements be agreed on by the Committee & Undertakers—provided it be by the 1st Day of

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[83] George Ingersoll (-1805); private, Gridley's reg., 1775; serg. Knox's cont. art., 1776; second lieut. Stevens's battalion of art., 1779; first lieut., 1779-1783; lieut. art. co. Belpre; society of the Cincinnati; lieut. art. bat. U. S. army, 1792; capt., 1794; maj. eighth reg., 1802-1804; owned one share in Ohio Co.

[84] Elijah Backus (1759-1812); Yale; purchased Blennerhasset Island, 1792; sold same to Blennerhasset, 1798; ed. *Ohio Gazette and Territorial and Virginia Herald*, 1801; mem. Ohio senate, 1803; removed to Illinois, 1808.

October 1790, And that the Committee for settling Donation Lands take Order thereupon—The foregoing was accepted & passed into Resolutions of the Agents.

Whereas it appears, that in making out the Plans for the Division of the 160 Acre Lots to each proprietary Share in the 8th 9th & 10th Ranges agreeably to former Resolves of the Agents & Proprietors, the Surveyors were obliged (for Want of sufficient Quantities of Lands in those Ranges within the Limits prescribed) to take into said Division Lot N° 27, Township 3d of the 10th Range granted as Donation Lands—And the same not being yet taken up—Therefore

Resolved that the said Lot N° 27 be not contracted for as Donation Lands, but remain a Part of the 160 Acre Division agreeably to the Plan thereof made for that Purpose—And the Committee for settling Donation Lands are hereby required to govern themselves accordingly. A Committee to whom was referred a Letter from Lieutenant John Pratt[85] of that Garrison at Fort Harmar Reported

That whereas the Agents of the Ohio Company at their Meeting in July last appropriated a certain Tract of Land containing about Ten Acres which includes the Garrison of Fort Harmar, "To remain for the military Use of the United States so long as they shall be pleased to continue Troops in that Station" And Whereas, the Agents aforesaid at the Time aforesaid Resolved in the following words

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[85] John Pratt; ensign fourth Pa. reg., 1779; lieut., 1780; quartermas., 1783; U. S. infan., 1786; lieut. first infan., 1789; capt., 1791; held two shares in Ohio Co.; Major Joel Pratt was a shareholder and mem. society of the Cincinnati; his relationship to John Pratt is unknown.

"That the Officers of the Garrison of Fort Harmar who now have, or shall have Families there within the Space of one year, being now Proprietors in the Company, may exchange, each one, a three Acre Lot by him drawn in the Commons for an equal Quantity as near the Garrison as may be, & in the Commons" And it being represented that the whole of the said Ten Acres is not necessary for the Use aforesaid, & it also appearing to be the Inclination of the Officers in general who are entitled to make such Exchanges as aforesaid, to relinquish the Privilege, provided they & the Officers &c° who are Proprietors in the Company shall each one be accommodated with a House Lot within the Tract of Ten Acres appropriated as aforesaid—Therefore That there be granted to the Officers and Cadets of General Harmars Regiment who are now Proprietors in the Company, the Right of Reversion to so much of the said ten Acres as will amount to the Quantity of one House Lot to each Officer &c° of ninety Feet by one hundred & eighty Feet—

House Lots on the West side of Muskingum granted

That as soon as the honourable the Congress of the United States by their Minister of War, or otherwise, shall Signify their Approbation of the Measure, there be laid out eighteen House Lots of the above Description, in such Manner as will be most agreeable to the Wishes of the Officers, leaving the remaining Tract of the said Ten Acres in the best possible Form to answer the military Purposes originally intended—Provided that any Officers entitled to exchange a three Acre Lot as aforesaid, shall relinquish such Claim before he be entitled to a House Lot to be laid out as aforesaid.[86]

Resolved that the foregoing Report be accepted & passed into a Resolution of the Agents— And that the Directors take Order accordingly.

Resolved that the Time for the Proprietors to return their Names to the Secretary's Office, signifying their Intentions to settle their Proportion of the Donation Lands, which is now limited to the first Day of October next, be extended to the first Day of July 1790, & the Five Years within which the settling Duties shall be performed agreeably to the general System of settling Donation Lands shall commence on the first Day of September 1790, or as much sooner as the Undertakers shall agree, And the Undertakers shall be required to commence their several Settlements within Six Months at furthest after the Committee for disposing of Donation Lands shall give Notice in the Public Papers of Pennsylvania, New Jersey, New York, & all the New England States that the Lands are ready for them—Anything in former resolutions to the contrary Notwithstanding.

The Time limited for Settlement of Donation Lands

The Committee for investigating the Purchase &c^{a} exhibited the Account of their Expenses in

Payment of Expenses for the Commit-

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[86] Fort Harmar was not maintained as a government post; therefore above ratification was not made.

tee for exploring the Country &c

that Business, which was committed to M^r Bacchus, Doctor Drowne[87] & the Rev^d M^r Storey[88] to adjust—& they reported that there was due to said Committee for their Services, the Sum of three hundred and eighty two Dollars, one Dime eight Cents & Six Mill, which was ordered to be paid accordingly.

House Lots & Gardens at Campus Martius ordered to be sold. Also some of the Commons

Whereas the Houses built in Campus-martius, by License of the Agents, to be held by the Persons building together with a Garden thereunto annexed for twenty years, are found on Experience to require more Attention to be kept in Repair & in a State salubrious to the Inhabitants than will probably be used where the Property is not in the Possessor—And whereas, on Consideration we are of Opinion that some Parts of the Common Lands within this City will best observe the Interests of the Company to be sold, being so situated & in Quantities so small as not to be an Object sufficient for a Division, & will probably be taken into Possession of some Persons & occasion much Contention hereafter Therefore

RESOLVED That the Directors be, & they are hereby authorized to see the Interest the Company have in the Lands in Campus-martius on which Houses are built by private Persons & also in the Gardens annexed to the same, & also the Common Lands on the South Side of the Bridge below M^{r} Prince's Hatter's Shop[89] & North of the Road leading from the Point to Duck Creek; being bounded on the Road now travelled to the Point and the Road leading from the great Bridge to M^{r} Dennies[90] House near the Ohio;—And also such Part of the Commons, joining the Road leading from the Point to Duck Creek, as are not in the Opinion of the Directors necessary to be retained for Highways—for such Sums as they shall judge reasonable—Provided however that in all Cases the owner of the Houses & Gardens under the former Votes of the Agents or of the Directors, & the Lessees of any of the Lands now ordered to be sold, And the owners of City Lots in Front of which any small Parts of Commons shall be sold, shall have the Right of Pre-emption of such Houses, Gardens, & Commons at the Price the Directors shall affix, And the Monies arising on such Sales shall be subject to the Orders of the Directors for defraying the necessary Expenses of the Company in the same Manner that the other Funds of the Company are by former Votes committed to their Charge.

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[87] Dr. Solomon Drown; Brown University; attended General Varnum in his illness; pronounced April 7th oration; accepted chair of botany Brown University, 1791; owned one share in Ohio Co.

[88] Daniel Story (1755-1805); Dartmouth; nephew of Judge Story; selected by Dr. Cutler under Ohio. Co. resolution (*ante*, p. 40) as first minister and teacher in Purchase; later served the First Religious Society to 1804; secretary of Ohio Co.; American Union lodge; owned two shares Ohio Co. in partnership. Major William Storey was a shareholder in Ohio Co. and mem. of society of the Cincinnati; relationship not established.

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[89] Capt. Asa Prince occupied house No. 2 at "the Point;" sign painter by trade; it is said his route from New England to Ohio could be traced by his Black Horse signs on the taverns at which he stopped.

[90] Ebenezer Denny held two shares in Ohio Co.

Resolved that the Directors be authorized & requested to ascertain as far as they judge necessary, & the Funds of the Company will admit, after the Township Lines are run, the Quantity of Lands of nearly equal Quality in the different Parts of the Purchase especially near the great Rivers within the Purchase—to the End that a Division may be made amongst the Proprietors as nearly equal as possible.

Whereas the Value of the Lands purchased by the Company will in the Opinion of the Agents be much increased by clearing the Lots & Roads in Marietta, And the Owners of Lots in the City will be particularly benefitted thereby—And in the present State of the Settlement it is in our Opinion impossible to effect those Measures without calling on the Proprietors for additional Taxes, or Appropriations of Property in the Purchase to effect those Purposes—And Whereas the small Parts of common Lands in the City of Marietta which by Vote of the Agents are ordered to be sold (not being an Object of Importance to make it necessary to divide them) & other parts of common Land within the Limits & near the City, & within the Divisions of Eight & one hundred & Sixty Acre Lots already made, are so circumstanced that very little, if any benefit, can be derived to Proprietors from the same in future Time—We, are therefore of Opinion that the Purposes necessary to be effected for the general Benefit of the Company will be promoted by the present Appropriation of those Tracts of Land, rather than by a Measure which would render a Tax on Individuals necessary, Therefore

Encouragement for clearing up the City Lots

Resolved that the City Lots be taken up and appropriated to Use on the following Terms, by any Persons who apply for the same, under the Licence of the Agents or a Majority of them Present in the City, or their Representatives—

That the Lands, & half the adjoining Streets, so taken up shall be cleared within one year from the Date of the Licence or the Right of Possession become forfeited & may be regranted—

That the Person to whom a City Lot has been drawn shall have Right to enter into occupy & possess his Lot whenever he calls for it, paying the Expenses of clearing the same, & the Expenses of fences & other Addition to the Value, by the Labour of the Occupier—The Occupier taking off his Crop—

That in Order to ascertain as far as possible what Payments ought to be made & to render the Evidence of Licencer certain; All licences to enter upon and occupy the Lots drawn to other Persons shall be registered in the Secretary's Office, And a Committee shall be appointed to estimate the Price which ought to be paid for clearing the Lands within the City in the different Parts thereof—which shall also be returned & Registered in the Secretary's Office—

That all Licences which have been heretofore granted shall be void unless the Lands are cleared & registered by the first Day of July next, & that the secretary do notify this Resolution by posting the same on the Block House where Public Worship is attended—

That the more effectually to promote the clearing the Lands in the City, The Directors be empowered, and are hereby authorized to appropriate such Parts of the Commons aforesaid (except those adjoining the Muskingum on the East) at a Value they shall judge proper, to the Payment of the Expenses of clearing said Lots, where the Occupiers shall prefer that Mode of Payment—In which Case the Proprietors of the Lots shall pay their Money to the Treasury—

That whenever a Difference of Opinion arises between the Directors & the Possessors of the City Lots taken up under these Resolutions, respecting the clearing the Lands, The Directors & Occupants shall refer the Matter of Dispute to three indifferent Judges whose Opinion shall be conclusive.

Adjourned to August the 6th 5 o'clock P. M. then to meet at General Putnam's Chamber Campus-Martius.

At a Meeting of the Directors of the Ohio Company May 16th 1789

	Sam¹ H. Parsons	
Present	Rufus Putnam	Esquires
	Griffin Greene	

Two Directors made Competent to the Board

Whereas it may frequently happen that not more than two of the Directors may be resident on the Lands of the Company, & the Business of the Company may be necessary to be transacted there, & other Concerns of the Company may be necessary to be attended to in the old States where two Directors may be present—Therefore Voted & Ordered That where two Directors are present their Acts shall be to all Intents and Purposes valid as fully as the Orders of the Board where a greater Number of the Directors are present, not extending however to making any Order contrariant with any Resolves or orders made by the board where a greater Number of the Directors were present; & Orders drawn on the Treasurer & Accounts allowed & settled by two Directors shall be held good. Ordered that General Putnam & M^r Cutler be, & they are empowered in Behalf of the Directors to make such Applications to Congress as shall be judged Proper to obtain Liberty to exchange Lot N° 29 in the 2^d Township in the 8th Range for other Lands or procure Congress to grant Lot N° 8 in said Township in Lieu of Lot 29, And to make such further Application as they shall judge expedient respecting an Establishment of Instructors in the University & procuring a Charter for that Seminary; & also to take Measures for the speedy Collection of the Monies due on Shares subscribed, & the same to pay to the Treasurer, & in Case any Share subscribed is not paid to the Treasurer they are empowered to dispose of such Shares to the best Advantage & account with the Board—And they are further desired to carry into Execution a Vote of the Direc-

[Application to Congress by Putnam and Cutler authorised]

tors & Agents ordering a Plan of the City to be presented to the Minister of France & to request his Opinion of the Propriety of offering one of the Public Squares to the Disposal of the Queen of France; And to act & do whatever is necessary for fulfilling the Contract of the Company, & to obtain a Deed of the Lands contracted for; & to do whatever they find necessary for the Interests of the Company on the East of the Mountains, & the Directors on the West have the same Power in all Concerns which respect the Company on the West of the Mountains.

June 15th 1789

Present	Saml H. Parsons Rufus Putnam Griffin Greene	Esquires

Appropriation to be made for a Deed of the Company's Land

Ordered That Rufus Putnam Esqr & Mr Cutler or either of them apply to Congress to receive the Sums now in the Treasury of the Company towards the second Payment to be made by Contract to complete the Payment for the Purchase; And also to receive the Application of the Military Rights to be received in Payment; on such Terms as they or either of them, judge proper; & on giving Security for the Residue of the Purchase Monies to procure a Deed of the Lands contracted for.

Prices affixed to Lands in Campus Martins

That the Proprietors of the Houses already built in the North & East Curtains of Campusmartius be entitled to the Purchase of the Lands, in Fee simple, on which their Houses stand & the

Gardens thereto annexed at the Rate of one Dime for each Square Rod; And in the South Curtain at the Rate of one Dime five Cents for Lands on which their Houses stand & Gardens annexed per Rod; & those on the West at the rate of two Dimes per Square Rod Provided the present Proprietors or their Assigns apply & purchase within one year from this Date.

House Lots Forfeited

That the House Lots not built upon in Campus Martius are forfeited and no Right of Building exists in the original Persons to whom Grants have been made, unless on future Applications a further Liberty should be granted.

Prices of Lands at the Point

That the Lands ordered to be sold between M^r^ Prince's Hatter's Shop & the Street running up the Ohio to Duck Creek by a Vote of the Agents the 12^th^ Inst. be sold at the Rates, and in Proportions as follows — Viz: that Part which lies Southward of the lower Run or Ravine at one Dollar per Square Rod & that which is Northward & between the two said Runs at Six Dimes per Square Rod —

Signed
Sam^l^ H. Parsons
Rufus Putnam } Directors
Griffin Greene

At a Meeting of the Agents of the Ohio Company August 6^th^ 1789, & continued by Adjournments to Sep^r^ the 21^st^ of the same year —

The Agents finding the Donation Lands in the 10^th^ Range, Township N° 3, Lots N° 15, 21, 22 an important Place to establish Settlements upon, And Encouragement in the Lands already granted not being sufficient for a suitable Number of Persons to establish a Settlement in Safety—It is Therefore

Donation Lands Granted

Resolved that four Lots be granted to Settlers in the 6th Township 11th Range as near to Township N° 3 in the 10th Range as good Lands can be found for that purpose, & the Committee for exploring the Country shall ascertain the places where said Lots shall be granted—And that said seven Lots shall be granted to thirty eight Persons associating for Settlement who shall be approved by the Committee & comply with the Resolutions of the Agents & the Committee respecting the same

The Committee appointed to explore the Purchase in the Vicinity of the great Kanhawa, & to consider & "report whether in their Opinion it will be proper to make a Settlement there, & what Quantity of Land may be advantageously divided to the Proprietors near that Place"

Report of the Committee to explore the Lands near Kanhawa

Report

That in pursuing said Business they found that it was necessary to take a more extensive view of the Lands than those at & near the Kanhawa, & to embrace other Objects than those particularly pointed out in their Appointment, & from their own View & the fullest Information they have been able to obtain, They are of Opinion that the Quantity of first & second Bottom on the Ohio between Devils Hole Creek & the S. West Corner of the Purchase will exceed twenty six thousand Acres—That the Bottom Lands opposite the great Kanhawa tho' good Farm Lands are not Suitable to establish a Town to be divided amongst the Proprietors—That about three & a half Miles below the Kanhawa a Creek called Chicamaga Creek falls into the Ohio that this Creek leads a considerable Distance into the Country through a Body of very good Lands from whence the Communication with the Ohio by Means of the Creek will be easy—That the Lands near the Mouth of that Creek are suitable for building upon and in their Opinion a Town should be established at that Place to be divided to Proprietors[91]—that about seven Miles below this Place Racoon Creek falls into the Ohio; & about Ten Miles above the Kanhawa Leading Creek also falls into the Ohio—That the Heads of Devils Hole Creek (which empties into the Ohio about forty Miles above Leading Creek) of Leading Creek & Racoon Creek interlock at a considerable Distance back from the Ohio—& within the two latter Creeks & near the Head of the former are contained, by the best Information they are able to obtain, a very large Tract of excellent Bottom & Farm Lands, which with a Continuation of the same kind of Land to the South & North of those Creeks (which they are informed is the Case) will contain more than two hundred thousand Acres, with few Interruptions from barren or uncultivatible Hills—That in Order to derive the Benefits the Proprietors desire from that Body of Lands; it is the Opinion of the Committee that some further Donations in Lands on the Ohio, & in some Places at a Distance from the Ohio would be expedient to be granted—

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[91] The fact deserves comment that the site of Gallipolis, given up later to the French emigrants, had previously been selected as the site of an Ohio Co. town.

They take the Liberty to propose for Consideration the following Places to be granted to Settlers on the Ohio—& the Numbers they conceive proper to be established at each Place—Viz: That thirty five Settlers be placed at or near the mouth of Kygers Creek about four Miles above the Kanhawa—That thirty Settlers be placed near the Mouth of Leading Creek about Ten & half Miles above the Kanhawa; & that such Lots at those Places be granted by the Agents as they judge proper, as nearly equal in Quality to the other Lands as may be—And under all Circumstances the Committee are of Opinion that it will be expedient to grant for Settlement the long Bottom so called, beginning a little below "Belleville."[92]—

Not having had opportunity since the Arrival of the Surveyors to examine their Minutes sufficiently to derive the Information necessary to point out the particular Places where in their

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[92] Bellville, W. Va., was settled in 1785 by Joseph Wood for William Tilton & Co. of Philadelphia. The blockhouse was completed in January, 1786. The settlement received additions in 1796 with the emigration of George D. Avery with Connecticut pioneers. Jefferson's embargo in 1807 destroyed Avery's business which grown up during the ship building era, 1800-1807. The tract was a portion of Washington's survey of 1770—J. M. Callahan, *Semi-Centennial of West Virginia*, 39, 82.

Opinion Settlements would be proper to be made at a Distance from the River so as to stand in such Connexion with those recommended, as to derive the expected Advantages to the Proprietors; & other more particular Information proper to be laid before you, they postpone a Report relative thereto, to a future Meeting.

Whether the Donations, if any are made on the Ohio, shall be confined to the Proprietors, or granted generally is a Matter submitted to your Consideration. The Committee are also of Opinion upon examining the Lands at the Mouth of the great Hochocking, it will be proper to divide a Town to the Proprietors at that Place.

The above Report was accepted & resolved to be carried into Execution.

Resolved that the three Places granted for Donation Lands in the Report be given indiscriminately to Proprietors & non Proprietors.

Resolved that two of the reconnoitering Committee repair to the Place opposite "Belle-ville" voted for Settlement & determine an Allotment of the Lands there, & Number of Settlers—also to the Settlements intended near the mouth of Leading & Kygers Creeks & determine the Allotment of Lands there. The consideration of any order relative to the Division of Towns agreeably to said Report was postponed to a future Meeting.

Further Encouragement for Mills upon the Petition of Nathan Goodale

Upon a Petition from Nathan Goodale Esq^{r} in Behalf of himself & the Settlers on the Land between the little Kanhawa & little Hochocking—Asking one hundred & Sixty Acres of Land adjoining to, & in Addition to what is already granted, a further Encouragement for Building of Mills near those Settlements; Col. Meigs & Captain Muroe[93] were appointed a Committee to view said Lands & report to the Agents—Upon Reports of this Committee it was Resolved that the 160 Acre Lot lying in Mile Square N° 14 Township N° 1 in the 10th Range be granted as a further Encouragement to the Building of Mills in the "Bellepre" Settlement.

House Lots Forfeited

Resolved That the House Lots granted in Campus-martius & not already built upon are forfeited to the Use of the Company.

Campus-Martius to be put in a State of Defence

Resolved that Campus martius be immediately put in a proper Posture of Defense at the Expense of the Company, & that the Directors take Order accordingly.

Resolved that the Consideration of a Paper from Winthrop Sargent containing his Sentiments upon the Sale of common Lands, agreeably to a Resolution of the Agents passed the 12th of June last, And desiring that the same might be rescinded—shall be postponed to the next Meeting

Money Loaned to John & Joseph James

Resolved that thirty four Dollars be loaned to John & Joseph James,[94] upon their Petition which is on File,—They giving proper Security for Payment of the Money.

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[93] Captain Josiah Monroe was a native of New Hampshire; served during the Revolution and was one of the original party of Marietta pioneers; served on important committees; first postmaster at Marietta; society of the Cincinnati.

[94] John James, Senior and Junior, and William James are given in the printed records as arrivals in 1790; the above reference proves an earlier arrival—*Hist. of Washington Co.*, 58; *Marietta and Washington Co.*, 69.

Motion of W. Sargent for rescinding a Resolution authorising the Sale of Common Lands

The Motion of Winthrop Sargent for rescinding the Resolution of the Agents of the 12th of June last authorizing the Sale of Public Lands was taken up & largely spoken to by Judge Parsons, & further Time granted for discussing the Matter & Mr Sargents Reply; Which was made on the 29th Inst: & together with the Introduction to the Motion lays with the Files of the Company—

The Question being called & the Yeas & Nays required

	Shares	
Judge Parsons for his own Barlow's, & Tallmadge's Agencies	170	Nay
Major White for his own Revd Mr Cutler's, Capt. Dodge's & Mr Cutler's Agencies . .	189	Nay
Col. Battelle for Col. May . .	40	Nay
Mr Sproat for Col. Sproat . .	44	Ay
Winthrop Sargent . . .	166	Ay
Genl Tupper	38	Nay
Mr Mathews for the Attorney of Genl Putnam, Major Goodale	65	Nay

And so it was determined in the Negative.

Upon the Petition of Captain Enoch Shepherd[88] Resolved that a further Time be granted (to the first of September 1790) for Captain Shepherd to complete his Mills upon the Waters of Duck Creek, He giving sufficient Bonds in the Sum of four hundred Dollars (within a Month from the 29th of August 1789 to comply with the Conditions by the said 1st of September 1790).

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[88] Capt. Enoch Shepherd, brother of General William Shepard or Shepherd of Shays' Rebellion fame, came to Marietta in 1789. His mill on Duck Creek was on the site of what was later known as Robinson's Mill; owned one share in the Ohio Co.

Money Loaned to Izaal Stone

Upon the Petition of Izrael Stone[96] Resolved That twenty Dollars be loaned him from the Funds of the Company agreeably to the Prayer of his Petition—He giving Security for the Payment thereof.

Alteration proposed in the Directors Bonds

A Motion of Winthrop Sargent that the Names of the Agents be inserted in the Bonds given by the Directors to the Agents of the Ohio Company, And that they become bound for the faithful discharge of their Trust not only to the Agents but to their Executors Administrators & Assignees was postponed for Consideration to the next Meeting.

Company's Papers to be Lodged in Marietta

Upon Motion of Major White, Resolved that the Books & Papers of the Ohio Company in the Secretary's Office remain deposited in the City of Marietta till further Orders.

Order for Special Meetings

Upon Motion of Judge Parsons, Resolved that when a Major Part of the Agents shall find it necessary to have a special Meeting of the Agents, on their signifying that Opinion to the Secretary it shall be his Duty to give Notice to the Agents present on the Purchase to attend such Meeting, which Notice shall be sufficient for authorizing the Agents so met to proceed to Business comformably to the former Votes of the Agents.

Repeal of Vote for appropriating the Commons toward clearing the City

Upon Motion of Major Goodale; Resolved that so much of the Resolutions of the Agents of July the 6th 1789 as relates to the Appropriation of the Common Lands, as an Encouragement to the clearing the City Lots be repealed.

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[96] Israel Stone and family evidently arrived in Marietta in 1789, not 1790 as given in *Hist. of Washington Co.*, 56.

Committee to estimate the Value of clearing City Lots

Resolved That Major White, Esquire Gillman,[97] Major Goodale, Major Lunt, Col. Stacey,[98] Griffin Greene Esq^{r} Cap^{t} Munroe, Gen^{l} Putnam & Col. Robert Oliver be a Committee to ascertain the Value of clearing City Lots, three of whom shall be equal to Business, And when called upon it shall be at the Expense of the concern'd, & their Award lodged & recorded in the Secretary's Office shall be deemed a Sufficient Voucher for the Occupier of the City Lots to make his Claim, & demand Pay for Work done on said Lots, agreeably to the Resolutions of the Agents on the 6th of July last.

Gen'l Tupper added to the reconnoitering Committee

Resolved that Gen^{l} Tupper be added to the reconnoitering Committee.

Proprietors to locate Donation Rights upon the Ohio & Hochocking

Resolved that the Proprietors shall have Liberty to locate upon the Ohio River, downwards from the Settlements now formed. One Lot of one hundred Acres to each proprietary Share they may hold (upon classing themselves agreeably to the system of Settlement) & in such Places as shall be pointed out by the Reconnoitering Committee, & as equal to the Lands already granted to Proprietors for Donation Settlements as possible —or upon the Hochocking River; at their own Election, And *that* those Lands shall be granted & laid out to them as soon as may be after their Application to the Donation Committee for that

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[97] Hon. Joseph Gilman (1736-1806) was born in New Hampshire; mem. N. H. committee of safety; migrated to Marietta, 1789; judge of probate, 1790; judge U. S. circuit court, 1796.

[98] William Stacy (-1804), major, Woodbridge's Mass. reg., 1775; lieut.-col. Seventh Mass., 1777; taken prisoner Cherry Valley; in captivity four years; came to Marietta, 1789; surveyor of the stockade at "the Point;" owned four shares in Ohio Company; society of the Cincinnati; American Union Lodge.

Purpose—They giving Bonds to perform the settling Duties agreeably to the general System of settling Donation Lands.

Report of the reconnoitering Committee

The reconnoitering Committee made the following Report.

We the Subscribers a Part of the Committee for investigating the Purchase so far as to point out proper Places for Settlements having examined said Lands hereafter mentioned beg leave to report that the following Resolve be adopted—Viz: That Lands be donated on Ambersons Bottom, & at or near old Town Creek in the 1st & 2d Township of the 11th Range—& at or near the little Falls in the 1st & 2d Township in the 12th Range—Also the Lands lying on the Ohio from Kygers Creek Donation to Chicamaga Creek; unless the Town intended to be laid out at Chicamaga Creek should be laid out opposite the Mouth of the great Kanhawa—Also hands lying up the great Hochocking River in such Places as shall best form the Chain for securing the Settlements in the Purchase not less in Quantity than will accomodate sixty Settlers—All which is submitted to the Consideration of the Agents & Proprietors of the Ohio Company.

Signed Benj^{n}. Tupper Griffin Greene
Nathan Goodale Return J. Meigs

The foregoing Report was accepted & passed into a Resolution. The reconnoitering Committee was also reported as follows Viz:

We the Subscribers a Part of the Committee for investigating the Purchase so far as to point out proper Places for settlements having examined the Lands in the Big Bottom so called, lying on the River Muskingum, beg Leave to report the following Resolve, to be adopted—Viz: That the South half of Mile Square Lot N° 18, & the South half of Mile Square Lot N° 24 in Township N° 7 in the 11th Range be granted in Addition to a former Grant of the Lands on said big Bottom, to the Associates for the same, not exceeding one hundred Acres to each Share—

Signed Griffin Greene & Nathan Goodale

Fees for recording Certificates of Permission to clear City Lots

The foregoing Report was accepted & passed into a Resolution. Col. Sproat & Col. Battelle were appointed a Committee to ascertain the fees to be paid for recording of Certificates of Permission to occupy and to clear the City Lots & reported as follows That they had attended to the Business & found that there must necessarily arise to the Secretary more trouble than in Common Records, as the Certificates would probably be handed in at various Times & always demand his immediate Attention; *That* in Order to render his Books as intelligible as they ought to be to Proprietors whose Lots are to be cleared & occupied under your Resolutions, He must, in Addition to a Record of each Certificate, keep a Book with a distinct Columns, in which should be entered for every Share taken up, The Proprietors Names—The Names of the Occupiers—The Numbers of the Lots, & a general Index at the End of each

Name shewing the Page where the particular Certificate is recorded—They were therefore of Opinion that twenty five Cents should be paid for the recording of every Certificate for a single Lot, & two Cents for each additional Lot comprehended therein

Signed E. Sproat
E. Battelle

Which Report was accepted & passed into a Resolution.

Appropriation of three Block Houses

Resolved that the Block Houses in the East & North Angles of Campus-martius And the one in the West (so far as may not interfere with its appropriations for Religious Purposes) *be* for the Use & Accomadation of Settlers coming on, They paying such a Rent as may be determined on, *and* that *they* shall not be allowed to remain longer than one Month in Possession after Entry, if said Houses should be wanted for new Comers—*unless* from some extraordinary Circumstances their longer Continuance may be deemed necessary; And the Secretary is directed to publish this Resolution.

Resolution upon M^r^ Matthews Petition for Compensation of Loss sustained by an Attack from the Indians while surveying

At a special Meeting of the Agents of the Ohio Company Sep^t^ 22^d^ 1789 called by Desire of M^r^ Matthews to take into Consideration his Petition that he might be reimbursed his expenses while he was prosecuting the Surveys of the Company, having had the Misfortune to be a great Sufferer from an Attack of the Indians in which he had lost all his Field Notes & become incapacitated from deriving any Compensation for his Surveys thereby.

The Petition of Mr Mathews being considered, Resolved that the Agents could not grant the Prayer thereof.

At a special Meeting of the Agents October 26th and continued by Adjournments to the 21st Novr inclusive—

To inquire into the Causes which have prevented the Execution of their Resolutions of the 24th of August last for putting Campus martius in a defensible State, and Also to act relative to further Division of Lands to the Proprietors in the Company.

Defences of Campus-martius

Mr Griffin Grene, the only Director present being called upon to account for the Delay in carrying into execution the Resolutions of the Agents of the 24th of August last for putting Campusmartius in a State of Defense, Informed the meeting That the great Scarcity of Workmen & Engagements of the Directors in the Completion of the great Bridge had hitherto prevented, And gave the Assurance that the Work would in all Probability be entered upon immediately, & executed as soon as possible. Upon Return from the Donation Committee made by Order of the Agents, of the Number of Proprietors already accomodated with Donation Lots, amounting in the Total to one hundred & twenty

Return of Donation Lots

It is unanimously *Resolved* that Six of the reconnoitering Committee with the two Surveyors shall immediately proceed to lay out upon the Ohio River downwards from Ambersons Bottom Eight hundred & Eighty Lots as nearly equal as possible in Quality & Quantity to those which have been heretofore allotted to Proprietors with proper Encouragement for Mills — And they are hereby directed in Case there should not be a Sufficiency of good Lands upon the great River for that purpose, to complete the given Number of Lots upon the great Hochocking, having Regard to Quality as nearly as may be — And they are to report to the Agents as soon as they have Executed the Business — And thereupon the Proprietors in the Company who may associate & class themselves at any Subsequent Time, shall be entitled to take up one Share for each Proprietary Right they may hold in the Company — beginning at the last Settlement or Location which may be then made upon the Ohio, or upon the Hochocking River, (at their own Election) They giving Bonds for the Performance of settling Duties, agreeably to the general System for Donation Settlements.

Lots ordered to be laid out for Proprietors upon the Ohio and Hochocking with Encouragement for Mills

Resolved that M^r^ John Matthews be added to the reconnoitering Committee.

Mr. Matthews of the explors Committee

Whereas in the Opinion of the Agents it is very much for the Interest of the Proprietors at large that all the Lands of the Purchase should be divided & alloted as immediately as may be — And in Order to accomodate them generally by the Option of classing as they may think proper, & drawing their Rights or Shares (where they may possess more than one) either together in Contiguity—or by detaching & annexing them to distinct Classes or Divisions (at their own Election) to give them the greater Chance of Varieties in Soil & Situation. It is unanimously

Ultimate Grand Division of Lands

Resolved That as soon as the Exploring Committee shall have appropriated the Lands for Donation Settlements in Quantity sufficient for all the Proprietors—

Winthrop Sargent, Joseph Gilman & Return J. Meigs Esquires are hereby appointed a Committee for that Purpose, shall immediately make out on a large Scale, a complete Map or Plan of the whole Purchase from the best Informations which they may be then able to obtain—Expressing all the Lands of the Eight Acre, three Acre, City Lots & Commons—one hundred & Sixty Acre, & Donation Lots—the reserved Lots of Congress, School Lots & Lots appropriated for religious Purposes—Also the two Townships given by Congress for an University, & the Towns or Situations for Towns to be reserved by the Company for a future Allotment—

That all the residuary Lands shall be, by them the said Committee of three, divided & numbered upon Paper into forty equal grand Divisions of twenty five Shares each, as like in Quality as may be: That each Grand Division be divided into five Subdivisions of five Shares each, & each subdivision into five Sections of single Shares—

That as soon as this Map or Plan is completed, the Agents will form or class their Subscribers (who shall not previously class themselves) by

Sections or single Shares, into Subdivisions of Five, & Grand Divisions of twenty five & immediately proceed to drawing by Lot for said Lands by Grand Divisions, Subdivisions & Sections

That in all Draughts of Subdivisions (into Sections) which may be made up of Proprietors holding four three or two, & single Shares, It SHALL BE the Usage for the greatest Proprietor or Holder of the greatest Number of Shares to take his Lands in Contiguity, by lot, either in the Southern or Northern Part of the Subdivision, where they shall be numbered from South to North—AND in the Western or Eastern, by Lot also Where they may be numbered from West to East—AND where Subdivisions may be made up of two Proprietors of two Shares each, and one of one Share the two greatest Proprietors shall receive their Sections by Lot, either in the Southern or Western Part of the Subdivision.

Arrangement for the Draught by Lot

Resolved that the beforenamed Committee be directed to prepare the Names And Numbers & make all the necessary Arrangements for the intended Draught.

Returns to be lodged with the Secretary

Resolved that previous to the Drawing for this Ultimate Grand Division of Lands there SHALL BE Returns of the Proprietors as they may be classed by the Agents (or otherwise) lodged in the Secretary's Office—& it is Recommended in all Cases to consult the Inclinations & Interests of the Proprietors in the Order of classing.

Drawing to be advertized

Resolved that the Agents will give public Notice of the Time & Place of Drawing, & that there be two Persons no Ways interested in the

Draughts, who shall be sworn to the faithfully Drawing out the Names and Numbers from the Boxes, And who *alone* shall be employed in this Business For the Draughts of Grand Divisions, Subdivisions and Sections.

Resolutions to be published

Resolved that the Secretary cause the foregoing Resolutions to be published in the News papers of New York & the New England States as soon as possible to the End that the Proprietors at large may have the Option of classing themselves as they may think proper—And they are hereby requested to do so—& to express themselves upon *this Subject* either to their respective Agents, or by Information in Writing addressed to, & to be lodged with the Secretary at his Office in the City of Marietta, previous to the first Monday of March upon which Day it is expected the Division will take Place.

Surveys to be carried on

Proposals from the Surveyors for entering upon the Business of their Profession was taken up, & it appearing essential to the Agents that it should be immediately pursued—It was

Resolved that the Directors should enter into Contract with them at their Price (three Dollars & one third per Mile) for running the Remainder of the Township Lines in the Company's Purchase.

Situation of Reserved Towns to be fixed upon

Resolved that the reconnoitering Committee ordered out by the Doings of this Meeting, shall determine the Situation & Boundaries of the two Towns to be laid out at the Chicamaga & Hochocking—

Resolved that the Secretary of the Company,

Transfers of Shares

when the Evidence of the Sale or Transfer of any Share or Shares having been made, shall be produced to him, record the same in the Company's Book—And by such Mark as he shall think proper note the same against the original Proprietors Name, together with the Page where such Transfer is recorded—And that the Mark he shall chuse to denote a Transfer be explained in the Begining of the Book where the Names of the Original Proprietors are recorded—And that all Transfers shall be at the Expense of the Persons requiring them.

Governor's House & Lands

Resolved that M^r Gillman, Col. Sproat, Col. Meigs M^r Story & M^r Greene be a Committee in Behalf of the Ohio Company to wait upon his Excellency the Governour immediately upon his Arrival & inform him of the House prepared for him, & request his Acceptance thereof—They are also to attend to the clearing & putting it in proper Order—And said Committee are also to furnish his Excellency with a Copy of the Resolutions of the Agents appropriating certain Tracts of Land to his Use & Benefit.

Delinquencies in the Treasury

A Committee upon the deficient Shares in the Ohio Company & the Measures to be taken thereon *Report* That by an Account stated by Richard Platt Esq^r Treasurer to the Company there appears to be due from the several Agents therein mentioned the Sum of two hundred ninety two thousand & thirty two Dollars & 80/90^{ths} of a Dollar in Paper & the Sum of three thousand nine hundred seventy two Dollars & Fifty nine ninetieths of a Dollar in specie In this Statement no

Credit is given for Military Bounty Lands which by the Contract with Congress was allowed to be one seventh part of the whole Sum & amounts to 142,857 1/7 Dollars—this Sum subtracted from the Balance due in Paper leaves the sum of 149,175 Dollars & 67/90^{ths}—The Committee recommend that the Agents present furnish the Directors present with complete Lists of the Subscribers who are delinquent in whole or in Part, & that Copies of these Lists be transmitted to Mess^{rs} Putnam, & Cutler, & that they be requested to call on the Agents in the Eastern States for like Lists of delinquent Subscribers in their Agencies & that they forward the same to the Directors present as soon as may be, to the End that the real Proprietors may be known if possible before the Division of the Lands is made.

Returns of Delinquencies to be made

Application for Deed of Lands

The Committee further recommend that Mess^{rs} Putnam & Cutler be fully empowered to apply to Congress for a Deed of the Lands contracted for by Cutler & Sargent, in Behalf of the Ohio Company, on such Terms as they may think more conducive to the Interest of the Propriety.

The foregoing Report was accepted & approved And thereupon resolved that the Secretary shall transmit a Copy thereof to Mess^{rs} Putnam & Cutler with the Returns of Delinquencies in Agencies present, in a Letter to be laid before the Agents & Proprietors for their Concurrence.

Statement of Funds called for

Upon Motion of Winthrop Sargent seconded by Col. Sproat, that M^{r} Griffin Greene the only Director present on the Purchase be requested to make a Statement of the Ohio Company's Money Affairs in Writing to the Agents at their next Meeting, from the best Informations which he now has, or can by that Time obtain—to enable them to judge how far their Resolutions for executing the Remainder of the Company's Surveys can at present be performed, And on the Question to agree to this Motion the Yeas & Nays being required

	Shares	
Winthrop Sargent for himself & Gen^{l} Tupper . . .	204	Ay
Col. Sproat	44	Ay
Col. Battelle for Col. May .	40	Ay
Major White for himself M. Cutler, J. Dodge & E. Cutler	189	Ay
M^{r} Griffin Greene for Sam^{l} H. Parsons	170	No

And it was determined in the Negative, More than five hundred Votes or Shares being necessary in any Business of the Company except Adjournments from Day to Day. Nov^{r} 11th 1789.

Statement of Funds

Nov^{r} 14th 1789 a Motion was made by M^{r} Griffin Greene as a Director (seconded by Major White) that he may lay on the Table a Statement of the Funds of the Ohio Company from the best Informations which he now has, And it was unanimously Resolved in the Affirmative & being called up by Col. Meigs, in Behalf of Col. Sproat, was read & ordered to be put on File.

Upon Motion of Winthrop Sargent that all the Books & Papers of the Ohio Company in the Possession of the Directors shall at all Times be open to the Inspection of the Agents, And that the Agents jointly or severally have the Right to call upon the Directors whenever they may deem it necessary for a Statement of the Company's Funds, which shall be made out from the best Documents then in the hands of said Directors, or which they may be able reasonably to acquire for the Demand—And the Yeas & Nays being Required

Haffield White for himself M. Cutler J. Dodge & E. Cutler	189	No
Griffin Greene for Sam^{l} H. Parsons	170	No
Col. Meigs for Col. Sproat .	44	No
General Tupper	38	No
Winthrop Sargent . . .	166	Ay
Charles Greene for Col. Battelle	40	No
in Behalf of Col. May		
Major Goodale for General Putnam	65	No

And so it passed in the Negative.

Upon Motion of Major White, seconded by General Tupper, It was unanimously Resolved that the Directors of the Ohio Company shall make out a particular Statement of the Funds of the Ohio Company & lay the same before the Agents on the 1st Monday of March 1790—noting what Sums of Money have been paid into the Hands of the Treasurer—Also what Sums have been drawn out & to what Purposes they have been applied—And that in Future They shall

[Quarterly statements ordered]

make out regular Quarterly Statements as before specified—if it be required by the Representatives of two hundred Rights or Shares.

Col Oliver a Director

Upon Motion of Winthrop Sargent the Agents present representing seven hundred & twelve Shares proceeded to the Choice of another Director agreeably to the Articles of Association & the Ballots being taken Col. Robert Oliver was elected.

At a special Meeting of the Agents Nov^r 23^d 1789.

Resolved that Commodore Whipple[99] & M^r Casey be added to the Donation Committee, & that Five of the said Committee shall be equal to transacting all Business of their Department—And where a greater Number shall be assembled, Questions shall be decided by the Majority—

Resolved that no Business coming before five of the Donation Committee (where they may not be unanimous) shall be decided upon until the whole of said Committee upon the Purchase can be notified thereof & a reasonable Time allowed for their Attendance—after which a Decision may be made by the Majority—

Resolved that the Agents acknowledge M^r

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[99] Abraham Whipple (1733-1819) native of Providence, R. I.; in West India trade; commander of party that burned the "Gaspee," 1772; commander of the "Providence," 1776; commander of the "Columbus;" commander of American fleet off Charleston, S. C., 1779; retired, 1782; migrated to Marietta in 1789; owned two shares in Ohio Company; commanded the "St. Clair" and sailed to West Indies, 1801; pensioned by congress, 1811; society of the Cincinnati.

Charles Greene[100] as the Clerk of the Donation Committee.

Information from M^r Green of Monies unaccounted for in the Hands of Judge Parsons

At a Special Meeting of the Agents Nov^r 25th 1789 Called at the Request of M^r Griffin Greene one of the Directors of the Company—

M^r Griffin Greene the Director represented to the Meeting that by Col. Stacey who has arrived here this Day, he is informed that Judge Parsons one of the Directors of the Ohio Company (supposed to be deceased) rec^d from him up the River Fifty half Joes[101] & some Guineas which were delivered to said Stacey by the Treasurer of the Ohio Company in New York as Company Money to be paid either to Judge Parsons or himself as Directors—Also that Judge Parsons in coming on from New York in the last Winter accompanied by General Butler[102] being charged with Company Monies put into his, the said General Butlers possession about two hundred & Fifty Dollars, for the greater convenience, as Judge Parsons informed him, of bringing it on; taking his Receipt therefore—which Receipt was lodged with the Directors at this Place by Judge Parsons & taken up again when he last went up the River for the purpose of obtaining the Money upon which

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[100] Charles Greene, native of Rhode Island; migrated to Marietta, 1788; merchant firm of Greene and Meigs; owner of the "St. Clair;" removed to Cincinnati; owned one share in Ohio Co.

[101] A Portuguese gold coin valued at from eight to nine dollars.

[102] Richard Butler (-1791); rose from capt. second Pa. battalion, 1776, to maj.-gen. U. S. levies, 1791; killed near Ft. Recovery, 1791; society of the Cincinnati.

And Advice from the Agents thereupon

Matters Mr Greene requesting the Advise of the Agents They unanimously recommend to him for his own, & the security of the other Directors (whom they will hold jointly & severally responsible for all the Company Monies) *that* he should attach Property of the honourable Judge Parsons deceased whereever it may be found to the full Amount of any & all the Sums which he may suppose to have been in *his* Hands not properly accounted for agreeably to the Association of the Company & Rules or Regulations of the Directors & Agents.

[Property of Judge Parsons ordered attached]

At a Special Meeting of the Agents of the Ohio Compy Decr 21st 1789

It was Resolved that Col. Meigs & Mr Dudley Woodbridge[108] should be added to the Donation Committee—And that Commodore Whipple be of the reconnoitering Committee, Vice Mr Matthews who has resigned his Appointment in said Committee—

End of Vol. I

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[108] Dudley Woodbridge, native of Norwich, Conn.; lawyer by profession; migrated to Marietta, 1789; general merchandise; judge court of common pleas; in partnership with H. Blennerhassett; on important Ohio Co. committees.